

CITY OF BILLINGS

CITY OF BILLINGS VISION STATEMENT:

“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”

AGENDA

COUNCIL CHAMBERS

April 23, 2018

6:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Gibbs

ROLL CALL: Councilmembers present on roll call were:

Cromley, Yakawich, Brewster, Ewalt, Joy, Friedel, Gibbs, Ronning,
 Clark, Brown

MINUTES: April 9, 2018

COURTESIES:

PROCLAMATIONS:

- Billings Child Abuse Prevention Awareness Month - April
- Great American Cleanup Week - April 23-29, 2018
- Arbor Day - May 3, 2018
- National Day of Prayer - May 3, 2018
- Yellowstone Valley Gives - "Giving Day" May 3-4, 2018

ADMINISTRATOR REPORTS - BRUCE MCCANDLESS

- One Big Sky Project Planning Agreement

PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1 ONLY. Speaker sign-in required. (Comments are limited to one (1) minute for one item, or three (3) minutes for multiple items. Please sign the roster located on the cart at the back of Council chambers or at the podium. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:

A. **Bid Awards:**

1. **Police Range Building Improvements Project.** (Opened 4/10/18) Recommend Cucancic Construction; \$94,475.
2. **Airport - Two Heavy Duty Snow Plows.** (Opened 4/10/18) Recommend delaying award until May 14, 2018 Council meeting.
3. **Airport Improvement Program (AIP) Operations Building Pavement Rehabilitation Project.** (Opened 4/10/18) Recommend Knife River; \$434,638.
4. **W.O. 17-07, Hilltop Road and Aronson Avenue Storm Drain Extension.** (Opened 4/10/18) Recommend Western Municipal Construction, Inc.; \$1,583,734.
5. **W.O. 18-20, Poet Street Water Replacement.** (Opened 4/17/18) Recommendation will be contained in the April 20 Friday packet.

B. **Approval** of professional services contract with SAFEBuilt Studio to update the zoning regulations; estimated \$160,000.

C. **Approval** of professional services contract with Mass Mutual as the City's 457(b) Deferred Compensation Plan vendor, with the exception of Nationwide for IAFF members.

D. **Agreement** with Yellowstone County Sheriff's Department to provide New World Public Safety FY2019 data processing services; Annual revenue \$145,734.

E. **Amendment No. 4, W. O. 16-05, Central Avenue, Shiloh Road to 32nd Street West,** Professional Services Contract, DOWL; \$409,280.

F. **Acceptance** of stormwater drainage, construction, and maintenance easement with Billings High School District #2.

- G. **Acceptance** of Montana Board of Crime Control Grant to establish the Supportive Housing and Re-entry Program; \$198,065.
- H. **Approval** of reimbursement from East Billings Urban Renewal District Tax Increment Funds to J Bird Luv, LLC, for its Liberty and Vine redevelopment project at 2019 Montana Avenue; \$99,881.60.
- I. **Resolution** approving the 2018 distribution of Bridge and Road Safety and Accountability program funds and authorizing Jennifer Duray, CPA, Public Works Finance Manager to execute documents necessary to facilitate distribution of funds; \$655,684.20.
- J. **Preliminary Major Plat** of Amended Lot 1, Block 3A, Silver Creek Estates Subdivision, 2nd filing, generally located on the east side of 50th Street West and south of Rimrock Road; Boyer Land, LLC, owner; KLJ Engineering, agent; conditional approval and adoption of the findings of fact.
- K. **Bills and Payroll:**
 - 1. March 26, 2018
 - 2. April 2, 2018

REGULAR AGENDA:

- 2. **PUBLIC HEARING** and approval of allocation of FY2018-2019 CDBG and HOME Program funds and approval of FY2018-2019 Annual Action Plan. Staff recommends approval of the Community Development Board's recommendation and prioritization. (Action: approval and disapproval of staff recommendation.)
- 3. **PUBLIC HEARING AND RESOLUTION** approving an amendment to the limits of annexation map. Annexation Committee recommends approval. (Action: approval or disapproval of Annexation Committee recommendation.)
- 4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 965:** a zone change from Controlled Industrial (CI) to Residential 6,000 (R-60) on a 7,000 sq. ft. parcel of land, generally located at 109 South 35th Street. Dave Healow, owner; High Plains Architects, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

5. **PUBLIC HEARING AND SPECIAL REVIEW 963:** a special review to allow the construction of more than four attached dwelling units in the PD-MF-4 zone on a 19.13 acre parcel of land, generally located west of South 44th Street West and north of Georgina Drive. Lenhardt Farm, LLC, Lenhardt Enterprises, LLC, Lenhardt Property, LP, owners; Sanderson Stewart, agents. Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria. (Action: approval or disapproval of Zoning Commission recommendation.)

PUBLIC COMMENT on “NON-AGENDA ITEMS”. **Speaker Sign-in required.** *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes. Please sign the roster located on the cart at the back of Council chambers or at the podium.)*

COUNCIL INITIATIVES:

ADJOURN:

Additional information on any of these items is available in the City Clerk’s Office.

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify Denise R. Bohlman, City Clerk, at 657-8210.

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Bid Award - Police Range Building Improvements

PRESENTED BY: Rich St. John, Police Chief

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

The Police Department has been making improvements to their shooting range property for several years, as funding permits. A building shell was erected in 2016 utilizing grant funds. This project consists of improvements to the interior of the building, such as the installation of insulation, electrical/HVAC/plumbing, cabinets and countertops; as well as a metal lean-to roof over a concrete slab. The facility will then provide a space with restroom facilities, as well as a place where officers may clean equipment and get out of inclement weather between training sessions.

This project was advertised in the *Yellowstone County News* on March 9 and 16, 2018, and was posted on the City's website. A mandatory onsite walk-through was held with all interested contractors on March 20, 2018. On April 10, the following bids were received:

- Fisher Construction: \$132,000
- Diamond Construction: \$107,500
- Yellowstone Basin Construction: \$100,496
- Cucancic Construction: \$94,475

ALTERNATIVES ANALYZED

City Council may:

- Award the contract to Cucancic Construction for the Police Range Building Improvements, or;
- Decline the award of this project, reject all bids and delay the project.

FINANCIAL IMPACT

This project was not included in the FY 18 Capital Improvement Plan, however funds are available in the current budget from Public Safety Funds and from the Drug Forfeiture Account.

RECOMMENDATION

Staff recommends City Council award a contract for the Police Range Building Improvements in the amount of \$94,475 to the low bidder, Cucancic Construction.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Postpone Award for Airport's Purchase of Two New Heavy Duty Snow Plows

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

Presentation: No

PROBLEM/ISSUE STATEMENT

During snow events at the Airport, staff must utilize an array of snow removal equipment including rotary brooms and large snow plows to remove the snow from the Airport's runways, taxiways, and 440,000 square feet of air carrier ramp. Included in the Airport's Passenger Facility Charge (PFC) Program is the purchase of two new snow plows. The new snow plows will replace two 20-year-old snow plows with two new pieces of equipment that are capable of simultaneously plowing and sweeping snow and other contaminants off of the pavement surfaces in order to maintain/improve safety for all aircraft operations.

Due to their age and condition, the two existing snow plows have become unreliable, especially during prolonged snow events when this equipment is required to operate for extended periods of time. Additionally, the Airport's mechanics spend a lot of time troubleshooting, repairing, and maintaining these two snow plows, and replacement parts are becoming difficult to find. During the past 20 years, equipment manufacturers have also improved upon the technology and design of this specialized equipment. This new equipment will allow the operators to plow and broom pavement surfaces simultaneously.

The new snow plows will ensure the Airport will continue to comply with its FAA approved Snow and Ice Control Plan and ultimately improve safety for the aircraft operating at the Billings Airport while enhancing the efficiency of the snow removal operations.

The Heavy Duty Snow Plow Project was advertised in the *Yellowstone County News* on March 23, 30, and April 6, and was posted on the City and Airport's Websites. On April 10, 2018, the following bids for this equipment were received:

<u>COMPANY</u>	<u>PRICE</u>
Wausau	\$1,501,440
M-B Company	\$1,532,160

Staff recommends delaying the award for this project until the May 14, 2018 City Council meeting to allow staff more time to evaluate the bid proposals received.

ALTERNATIVES ANALYZED

City Council may:

- Approve postponing the award for the purchase of Two Heavy Duty Snow Plows to the May 14, 2018 City Council meeting; or
- Decline to postpone the award of the Snow Plows, and direct staff on how to proceed.

FINANCIAL IMPACT

The total cost of this new equipment will be one of the two received bid prices, once the bid packets have been evaluated and a selection made. The project will be paid for with Passenger Facility Charge (PFC) funds. These funds are available in the Airport's PFC account.

RECOMMENDATION

Staff recommends delaying the award for this project until the May 14, 2018 City Council meeting to allow staff more time to evaluate the bid proposals received.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Approval of Airport Improvement Program (AIP) Funded Operations Building Ramp Rehabilitation Project

PRESENTED BY: Kevin Ploehn, Director of Aviation and Transit

Department: Airport

Presentation: No

PROBLEM/ISSUE STATEMENT

Included in the Airport's Capital Improvement Program is the Operations Building Ramp Rehabilitation Project. The Airport's Operations Building provides the indoor parking for the Airport's airfield maintenance and fire fighting equipment. The asphalt pavement around this building is 25 years old and is well past its expected service life. The worst deterioration occurred at the equipment bay door entrances and exits, as the heavy fire equipment and snow removal equipment must follow the same track in and out of the parking areas, subsequently creating ruts in the asphalt pavement. This project will provide 8,000 square feet of additional concrete surface at the equipment bay doors, reducing the potential for future pavement rutting from this heavy equipment.

Additionally, 55,000 square feet of new asphalt pavement around the Operations Building will replace the existing asphalt that is beginning to crack and break into pieces. The project will also include the installation of water and sewer lines below the ramp surface to accommodate future development for the areas directly north of the Operations Building.

This project was advertised in the *Yellowstone County News* on March 23, 30, and April 6, and was posted on the City and Airport's Websites. On April 10, 2018 the following bids were received:

CONTRACTOR	BID
Knife River-Billings Division	\$434,638.00
Hardrives Construction	\$622,345.50
Engineer's Estimate	\$551,058.00

ALTERNATIVES ANALYZED

City Council may:

- Approve the low bid and award the contract for the Airport Operations Building Ramp Rehabilitation Project to Knife River, Billings Division; or
- Decline to approve the award, reject all bids, and delay the project.

FINANCIAL IMPACT

The low bid cost for this project is \$434,638. The project will be funded 90% with Federal Aviation Administration (FAA) Airport Improvement Program (AIP) entitlement grant funds and 10% local match funds. The FAA's grant funding will be \$391,174 and the City's local match will be \$43,464. The local match funds are budgeted and available in the Airport's Capital Account.

RECOMMENDATION

Staff recommends that the City Council accept the low bid and approve the contract award for the Operations Building Pavement Rehabilitation Project with Knife River-Billings Division for the amount of \$434,638.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Bid Award: W.O. 17-07; Hilltop Rd. and Aronson Ave. Storm Drain Extension

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

W.O. 17-07; Hilltop Rd. and Aronson Ave. Storm Drain Extension, is a project that will extend the storm drain main in Hilltop Road from the intersection of Hilltop Road and Shamrock Lane to the intersection of Governors Boulevard and Bazaar Exchange. In addition, the storm drain main in Aronson Avenue will be extended from the intersection of Aronson Avenue and Nutter Boulevard to the intersection to Aronson Avenue and Dixon Street. The purpose of the project is to mitigate street and private property flooding.

The project was advertised on March 16th, 23rd, 30th and April 6th in the *Yellowstone County News* and on the City's website. Bids were opened on April 10, 2018 and three bids were received. Western Municipal Construction, Inc. submitted the lowest responsible bid.

ALTERNATIVES ANALYZED

The Council may:

- Award Work Order 17-07; Hilltop Rd. and Aronson Ave. Storm Drain Extension to Western Municipal Construction, Inc. in the amount of \$1,583,734; or
- Do not award Work Order 17-07. If not awarded, the City would need to re-bid or cancel the project and reconstruct the storm drain main in a subsequent year. Flooding of the street would continue.

FINANCIAL IMPACT

The following bids were received and evaluated:

Western Municipal Construction, Inc.	\$1,583,734.00
JR Civil, LLC	\$1,594,574.80
COP Construction, LLC	\$1,711,719.00

The funding for this project is included in the approved budget for fiscal year 2018. Storm Drain funds will be used for this project.

Budget	\$2,000,000
Previously Encumbered	\$0
This contract	\$1,583,734.00
Remaining Budget	\$416,266

RECOMMENDATION

Staff recommends that the City Council award W.O. 17-07; Hilltop Rd. and Aronson Ave. Storm Drain Extension to Western Municipal Construction, Inc. in the amount of \$1,583,734.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: W.O. 18-20 Poet Street Water Replacement Bid Award

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

The streets in the Poet Street neighborhood will be repaved this summer. The sanitary sewer runs through the alley right of way so it does not need to be replaced prior to street resurfacing. The waterlines are in the street but there is not a leak or break history in the area and replacement was not included in the replacement program schedule. During installation of the storm drain prior to the overlay, the waterlines were visually inspected and found to be in poor condition and need to be replaced. W.O. 18-20 will replace the waterlines in the Poet Street area before the street work is done. The project was advertised April 6th and 13th, 2018, and bids were opened April 17th, 2018. The street contractor is ready to start work, so bidding and contracting the water line replacement is being done in a compressed schedule. The bids and a recommendation for bid award will be included in the April 20 Friday packet and presented at the City Council meeting.

ALTERNATIVES ANALYZED

City Council may:

- Approve the award of the contract to the recommended bidder, or;
- Disapprove the award of the contract. If the contract is not awarded, the streets will be resurfaced with a high potential for leaking water lines underground.

FINANCIAL IMPACT

The FY 2018 budget includes adequate funds for water line replacement. The contract amount will be presented in the April 20 Friday packet at the City Council meeting.

RECOMMENDATION

Staff recommends that Council approve the award of the contract to the recommended bidder.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: City/County Zoning Code Update - Consultant Contract

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

The City and County began the process to update the City and County zoning regulations in August 2017. The scope of this process, called Project Re: Code, includes significant work by a locally established Steering Committee, multiple Working Groups made up of local experts in various zoning issues, like landscaping, signage, and urban development and design, and significant work and support by City-County Planning Division staff. The scope also calls for outside help from a professional consultant team versed in zoning regulation code updating and drafting. The consultant will provide a variety of services, including an audit of the current zoning regulations, development and implementation of a public outreach and engagement strategy, development of draft revisions to the code in coordination with the Steering Committee, Working Groups, officials and public, and drafting of code for review and adoption.

The Planning Division staff, in coordination with the Co-Chairs of the Steering Committee for the zoning code update, through the City's RFP competitive process has selected SAFEBuilt Studio of Loveland, Colorado as the consultant for the project. SAFEBuilt and its consultant team has extensive experience drafting zoning regulations in cities of comparable size to Billings, working on city and county codes, and addressing a wide array of code types and development standards. The SAFEBuilt project manager also has experience in land use law and the implementation aspects of zoning regulations, both critical to successful code drafting and real-world use. The City Council is being asked to approve the contract.

ALTERNATIVES ANALYZED

City Council may:

- Approve the contract with SAFEBuilt Studio to assist the community in updating its zoning regulations, or;
- Disapprove the contract with SAFEBuilt Studio to assist the community in updating its zoning regulations. Disapproval of the contract will significantly delay the zoning code update process and affect the significant work the Steering Committee and Working Groups have done to date on this project.

FINANCIAL IMPACT

The original expectation and estimate for consultant services for the Project Re: Code effort when presented in Council in summer 2017 was that the process would cover the FY2018 and FY2019 budget years and cost an estimated \$120,000 of consultant support to complete. Since last year, staff has found that a total consultant budget of \$160,000 is necessary to carry out the requirements of a total code update and work with the Project Re: Code Steering Committee to complete the process. The contract before the Council is for \$160,000 and is expected to cover FY2018, FY2019 and a portion of FY2020. Staff is asking for the budget authority to execute this contract over this time period to complete the project.

FY2019 Supplemental Budget Request (SBR)

The proposed FY2019 City Budget contains a request for \$25,000 from the General Fund to provide additional funding for the Project Re: Code. The City Council will consider this request during its review of the FY2019 Budget in May. During the FY2018 City Budget process, the Council agreed to contribute \$12,500 in FY2018 and consider the same contribution of \$12,500 in FY2019. The Planning Division intended to cover the remaining costs with unobligated reserves and a contribution similar to the City Council from Yellowstone County. Staff's initial estimated total cost of the consultant portion of this project was low and staff has since revised this estimate to \$160,000 to complete the zoning code update.

Since the Council had authorized an initial allotment of \$12,500 to the project in FY2018, but intended to make a final determination on the second contribution of \$12,500 during the FY2019 budget process, City Administration and Finance suggested staff bring its revised request to City Administration and Finance, and the Council in the form of an SBR from the General Fund. Under this SBR proposal, the City would contribute to the project as follows, in combination with the other funding sources: Total City contribution: \$37,500 (FY18: \$12,500; FY19: \$25,000) Total County contribution: \$25,000 (FY18: \$12,500; FY19: \$12,500) Planning Division Reserve Obligation: \$97,500 (estimating across FY18, FY19, and FY20).

RECOMMENDATION

Staff recommends the City Council approve of the contract with SAFEBuilt Studio of Loveland, Colorado, to update the zoning regulations.

APPROVED BY CITY ADMINISTRATOR

Attachments

Professional Services Contract



CONSULTANT AGREEMENT

THIS AGREEMENT is made and entered into this [REDACTED] day of April, 2018, by and between the **CITY OF BILLINGS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as “**CITY**,” and **SAFEBuilt Studio**, of Loveland, Colorado, hereinafter referred to as “**CONSULTANT**.”

WITNESSETH:

WHEREAS, the **CITY** proposes to update its Zoning Codes for Billings and Yellowstone County and desires to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit “A” and by this reference made a part hereof.

WHEREAS, the **CITY** has authority to contract for such services, and;

WHEREAS, the **CONSULTANT** represents that he/she is fully qualified to perform such services personally and is in compliance with the Montana Statutes relating to the provisions of such services.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

- 1. PURPOSE:** **CITY** agrees to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit “A” and by this reference made a part hereof. In performing these services, the **CONSULTANT** shall at all times comply with all federal, state and local statutes, rules and ordinances applicable. These services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.
- 2. TERM:** This **AGREEMENT** shall be for a period of 20 months to 2 (two) years, from the execution of this **AGREEMENT**. This **AGREEMENT** may be extended for one year options by mutual agreement of both parties, in writing, thirty (30) days prior to termination.



3. **PAYMENT:** In consideration of the services provided by the **CONSULTANT** under this **AGREEMENT**, the **CITY** agrees to pay **CONSULTANT** a price not to exceed \$160,000.

a. Payments to the **CONSULTANT** will be made at the completion of each Phase as outlined in the Project Timeline in Exhibit A. This may include payment at the end of each SubTask within a project Phase. An example of a SubTask completion in Phase 1: Project Kick-off is the completion of SubTask 1.2 Community Involvement Strategy. SubTask 1.2 payment could occur prior to startup of SubTask 1.3 Stakeholder and Focus Group Meetings.

In the event scope of work issues arise, the **CONSULTANT** shall immediately discuss them with the Project Manager for the **CITY**. It is understood that the Consultant will not perform any work that the **CITY** deems outside the scope prior to receiving written approval from the **CITY**, and at a rate agreed upon by both parties. Any payment for work not agreed upon by the **CITY** shall be denied.

4. **INDEPENDENT CONTRACTOR STATUS:** The parties agree that **CONSULTANT** is an independent Contractor for purposes of this **AGREEMENT** and is not to be considered an employee of the **CITY** for any purpose. **CONSULTANT** is not subject to the terms and provisions of the **CITY**'s personnel policies handbook and may not be considered a **CITY** employee for workers' compensation or any other purpose. **CONSULTANT** is not authorized to represent the **CITY** or otherwise bind the **CITY** in any dealings between **CONSULTANT** and any third parties.

5. **INDEMNITY AND INSURANCE:**

- A. The Consultant agrees to indemnify, defend and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Consultant or its agents or employees.
- B. The Consultant shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the **AGREEMENT**.
- C. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Consultant, the Consultant shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Consultant's or any subcontractor's wrongful or negligent acts occurring as a result from the Consultant's performance pursuant to this **AGREEMENT**.



- D. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

The **CONSULTANT** shall provide the following insurance:

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including contractual and personal injury coverage's -- \$750,000 per claim and \$1,500,000 per occurrence.
3. Automobile liability -- \$1,500,000 per accident.
4. Professional liability in the amount of \$1,500,000 per claim.

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the **CITY** prior to cancellation.

The **CITY** shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

CONSULTANT shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. **CONSULTANT** shall maintain workers' compensation insurance coverage for all members and employees of **CONSULTANT's** business, except for those members who are exempted as independent **CONSULTANTS** under the provisions of §39-71-401, MCA.

CONSULTANT shall furnish **CITY** with copies showing one of the following: (1) proof of registration as a registered Contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent Contractors.



6. AGREEMENTS OF CONSULTANT: As an inducement to the execution of this **AGREEMENT** by the **CITY** and in consideration of the agreements to be performed by the **CITY**, the **CONSULTANT** agrees that:

A. Qualifications

The **CONSULTANT** is qualified to perform the services to be furnished under this **AGREEMENT** and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform.

B. Solicitation of Agreement

The **CONSULTANT** has not employed any person to solicit this **AGREEMENT** and has not made, and will not make, any payment or any agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this **AGREEMENT**.

C. Facilities and Personnel

The **CONSULTANT** has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed.

D. Subcontracting

None of the work or services covered by this **AGREEMENT** shall be subcontracted without the prior approval of the **CITY**.

E. Affidavits of Compliance

The **CONSULTANT** will, if requested by the **CITY**, furnish the **CITY** affidavits certifying compliance with the provisions of this Section.

7. AGREEMENTS OF CITY:

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the City of Billings' portion of the project as designated in the scope of work.

B. Name a Project Manager who shall be the liaison between the Consultant and the City of Billings. For this project, the Project Manager for **CONSULTANT** designated is Elizabeth Garvin, Esq. AICP, and the Project Manager for **CITY** designated is Nicole M. Cromwell, AICP.



8. NONDISCRIMINATION:

- A. The **CONSULTANT** will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The **CONSULTANT** will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The **CONSULTANT** agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- B. The **CONSULTANT** shall state, in all solicitations or advertisements for employees to work on jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.

The Contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a), which prohibit discrimination against qualified protected veterans and/or qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

- C. The **CONSULTANT** shall comply with any and all reporting requirements that may apply to it that the **CITY** may establish by regulation.
- D. The **CONSULTANT** shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this **AGREEMENT**, so as to be binding upon every such sub-consultant or vendor of the **CONSULTANT** under this **AGREEMENT**.
- E. The **CONSULTANT** shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.
- 9. PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this **AGREEMENT**. All actions taken by the **CONSULTANT** under this **AGREEMENT** shall comply with all applicable



statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this **AGREEMENT**.

10. **NONWAIVER:** The failure of either party at any time to enforce a provision of this **AGREEMENT** shall in no way constitute a waiver of the provision, nor in any way affect the validity of this **AGREEMENT** or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.
11. **DECLARATION OF NO FINANCIAL INTEREST:** The **CONSULTANT** hereby declares that he does not have any interest (including that of real estate agent or broker), direct or indirect, present or prospective, in any property described in Section 1 or in its sale, or any other interest, whether or not in connection with the property, which would conflict in any manner or degree with the performance of the services and the submission of impartial reports, and has not employed and will not employ, in connection with the services to be furnished under this **AGREEMENT**, any person having any such interest. Until the property is acquired by the **CITY** or excluded from its project by resolution of its governing body, the **CONSULTANT** and any employees of the **CONSULTANT**, so long as they are employed by the **CONSULTANT**, will not acquire any such interests and will not, for their own account or for other than the **CITY**, negotiate for any of the property, perform services in connection with the property, or testify voluntarily as a witness in a condemnation or other proceeding with respect to the property.
12. **SUCCESSORS AND ASSIGNS:** This **AGREEMENT** and all of the covenants hereof shall inure to the benefit of and be binding upon the **CITY** and the **CONSULTANT** respectively and his partners, successors, assigns, and legal representatives. Neither the **CITY** nor the **CONSULTANT** shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other party.
13. **CHANGES IN WORK:** Any change in the scope of **CONSULTANT'S** services as stated in this **AGREEMENT** for whatever reason, will be negotiated between the **CITY** and the **CONSULTANT** and an amendment to this **AGREEMENT** will be issued with the appropriate change of services and **AGREEMENT** fee noted.
14. **LEGAL RELATIONS:** The **CONSULTANT** shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.



15. **TERMINATION OF AGREEMENT:** The right is reserved by the **CITY** to terminate this **AGREEMENT** at any time upon not less than thirty (30) days written notice to the **CONSULTANT**.

In the event the **CITY** terminates this **AGREEMENT**, the **CONSULTANT** shall be paid for the amount of work performed or services rendered to date of termination per the **AGREEMENT** fee.

16. **ENDORSEMENTS:** The **CONSULTANT** shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.
17. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of this **AGREEMENT**, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the **CITY**. Reproducibles of all notes, reports, and plans shall be made available at the **CITY'S** request.
18. **PUBLIC INFORMATION:** The **CONSULTANT** shall not issue any statements, releases, or information for public dissemination without prior written approval of the **CITY**.
19. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the **CITY**.
20. **RECORDS:** The **CONSULTANT** shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the **AGREEMENT** term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the **CITY** and copies thereof shall be furnished if requested.
21. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this **AGREEMENT** to retain an attorney to enforce any of the terms or conditions of the **AGREEMENT** or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.



- 22. **LITIGATION LOCATION:** The parties agree that this **AGREEMENT** shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the **AGREEMENT** or the performance of its terms.
- 23. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this **AGREEMENT** or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this **AGREEMENT**.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF BILLINGS, MONTANA

CONSULTANT (Print Name Above)

By _____
WILLIAM A. COLE,
MAYOR

By _____
Print Name _____
Print Title _____

APPROVED AS TO FORM:

By _____
BRENT BROOKS, CITY Attorney



Exhibit A

Project Re:Code Approach Summary

We will undertake the project in four major phases, each with specific tasks as described below. Each phase is designed to complete an entire step in the process of creating new zoning regulations and to build on the work of the previous phase:

- Phase 1: Project Kick-Off. Meet with the City and County; invite the public to join the process; gather information for the drafting process.
- Phase 2: Code Audit. Understand how the current regulations work; identify and research specific topics that need creative solutions; present a roadmap for the new zoning regulations.
- Phase 3: Draft Regulations. Draft updated zoning regulations in three parts; gather City/County and public feedback; revise drafts.
- Phase 4: Complete Draft Code and Testing. Combine all sections of the new zoning regulations and “test” sample projects to determine results; revise draft as necessary; produce final draft.

Phase 1 Project Kick-Off

PURPOSES:

- A. Document review
- B. Project organization meetings with staff
- C. Initial public information gathering

Task 1.2 DOCUMENT REVIEW

In preparation for the project kick-off meetings, team members will work with the City and County to identify, obtain, and review copies of all of the project relevant documents.

Task 1.3 COMMUNITY INVOLVEMENT STRATEGY

To kick-off zoning regulations update, we will meet with City and County staff over a two-day period to refine the project communication and public involvement strategy that is identified in broad categories in this task. This will include specifying details for the meetings included in the project schedule to identify: 1) draft code delivery and review dates, 2) staff, stakeholder, and focus group meeting topics, dates, and locations, 3) public outreach dates, locations and/or platforms, and 4) preliminary project completion deadlines. The community involvement strategy will be updated with staff and the Steering Committee as necessary to reflect the actual progress and content of the project and may be adjusted to accommodate specific topics and issues.

A. PUBLIC OUTREACH STRATEGIES

The process of including the community in the evaluation and revision of land development



regulations is a little different from the public outreach typically used when updating a growth policy. This is primarily because development regulations are more technical in nature than growth policies and the language and standards must be very clear and precise. Citizen input for regulatory updates tends to be more focused than with most general growth policy projects, with more emphasis on technical review that comes later in the project as the code is drafted. Still, there are some options for early involvement that we will incorporate in the project with our goal for the entire project being to make it easy for the public to access the process and participate as they can and in a meaningful way.

B. PROJECT COMMITTEES

As identified in the RFP, we will work with the project Steering Committee and Working Groups. The role of the Steering Committee will be to serve as a sounding board, provide input, and help shape the draft regulations throughout the project.

The project Working Groups will provide technical review in specific subject areas for our draft documents. The Working Groups will also vet draft documents and identify useful approaches to sharing and gathering feedback about key issues prior to releasing the information for Steering Committee and public review.

C. PUBLIC MEETINGS AND EVENTS: LIVE AND ELECTRONIC

As further specified in the Community Involvement Strategy, our team will provide in-person outreach through public meetings and workshops and presentations to supplement the work of the project committees. Public meetings are dynamic, visual, and productive (although not always in the way we originally anticipated). Our general approach to the public process will include engagement at key process points:

- A. Project kick-off meeting;**
- B. A series of public open house meetings at the beginning of the project, after drafting the code analysis, and following completion of a full draft of the updated code; and**
- C. Public invitation to the elected and appointed official briefings on the project.**

In addition to these meetings, we anticipate public involvement in meetings as part of the final adoption phase of the project. With the availability of our local team members, we are also able to conduct more informal meetings with representatives of local groups or constituencies who should be kept informed about the project. The involvement and understanding of key stakeholders is important throughout the process, and our work plan allows that to be tailored to issues and challenges as they arise.

In addition to live public meetings, we propose to incorporate electronic public involvement tools into the project through links to the City and County's websites. Working with the City and County, we will direct the public to project surveys; social media feeds through Facebook,



and Twitter; and YouTube/Vimeo project videos.

Task 1.4 STAKEHOLDER AND FOCUS GROUP MEETINGS

As part of the kick-off meetings, we will schedule a series of interviews with the City and County staff, the Steering Committee, project Working Groups (county, urban, sign, and landscape), key stakeholders (including development professionals, neighborhood groups, the business community, design professionals, and other groups identified by the City and County), and City and County elected and appointed officials to gather specific concerns and comments about the current regulations and the project outcomes. Following the individual meetings, we will facilitate a public open house to begin the process of educating the public about the zoning code update regulations project and to gather thoughts and ideas for regulatory change.

PHASE 1 DELIVERABLES:

- A. Zoning Regulations Update project final schedule and public outreach schedule**
- B. Meeting summaries**

Phase 2 Code Audit

PURPOSES:

- A. Analyze current zoning regulations**
- B. Identify best practices in peer community codes**
- C. Prepare a Code Audit**

Task 2.2 CURRENT CODE ANALYSIS

Based on information collected in Phase 1, the SAFEbuilt Studio team will undertake a technical review and assessment of Billings' and Yellowstone County's current zoning regulations. The code analysis will include a review of all major sections in the current regulations, the extent to which the section carries out adopted and proposed planning policies, and relevant state law requirements, if any. The code analysis will also include an exploration of "big picture" issues, such as:

- A. The most critical needs for revision;**
- B. Current regulatory and non-regulatory tools that work well and require little or no revision;**
- C. Ways in which the current tools are ineffective or frustrating to use;**
- D. Mismatches between the regulations and evolving land development models and building construction techniques,**
- E. Alignment with the Project Re:Code Guiding Principles; and**



F. The extent to which the tools in place will be effective in implementing the growth policies and land development policies.

Key substantive issues raised during the initial project outreach will also be discussed in the report.

Task 2.3 CHARACTER AREA ANALYSIS

To start to identify the detail necessary for the updated regulations and make a preliminary assessment of the potential role of form-based regulations, we will conduct field surveys and other research to gain a better understanding of built patterns, neighborhood character, and desired character throughout the city and county.

Task 2.4 BEST PRACTICES STUDY

Historically, communities have developed unique solutions to issues - such as accessory dwelling units or solar access - that are closely tailored to local real estate and political needs. With electronic access to a library of zoning and subdivision regulations and an increased emphasis on efficient, evidence-based regulations, communities now also draw upon each others' good ideas frequently – taking a tailored solution and reworking it for their own needs. We will work with the City and County to identify peer communities from which to explore best practices both at an overall level and also for specific topics.

Task 2.5 COMPLETE CODE AUDIT

Incorporating the current code analysis and best practices study, we will draft a code audit that identifies: areas of proposed revisions, best practices approaches to those revisions where appropriate, and an annotated outline of the recommended revised land development regulations code structure. The purpose of the final code audit will be to allow the staff, elected and appointed officials, and the public an opportunity to review key issues for the project along with the overall structure of the proposed revisions before the actual drafting begins.

PHASE 2 DELIVERABLES:

- A. Draft and Final Code Audit**
- B. Presentation materials for meetings**

Phase 3 Draft Regulations

PURPOSES:

1. Draft updated regulatory standards
2. Review and revise draft regulations



DRAFTING OVERVIEW

Following the preparation of the Code Audit, we will prepare an initial draft of the updated zoning regulations. We will prepare the draft in three review packets (see inset below): 1) Districts and Uses, 2) Development Standards, and 3) Administrative Procedures. The drafts will overlap, so while one packet is under review by the City and County our team will prepare the next packet. Each packet will be reviewed according to the project draft document review process:

- A. Consultant prepares staff draft,**
- B. Staff reviews draft and holds editing meeting with Consultant Team (we anticipate this will be a video call),**
- C. Consultant revises draft into a public review version,**
- D. Steering Committee review, and**
- E. Elected/Appointed officials and public review.**

Task 3.2 PACKET 1: DISTRICTS AND USES

We will update the City and County's current zone districts, use allocations, and use standards to ensure that it is possible to implement the Growth Policies and relevant development policies identified in the Code Audit. This may involve adding new districts, consolidating existing districts, or even "retiring" obsolete districts. This task will also include the creation of any form-based regulations that will be included in the new zoning regulations. During this Task we will also identify necessary updates to the zoning map and work with staff to develop an approach to a comprehensive map update at the completion of the project.

Task 3.3 PACKET 2: DEVELOPMENT STANDARDS

Based on the direction established through the Code Audit, we will prepare and/or revise the substantive development standards for areas of regulation such as - parking, landscaping, screening, and site design. We will determine which aspects of the development standards should be applicable in specific geographic areas and what standards, if any, should be made City and/or County-wide in application.

Task 3.4 PACKET 3: PROCEDURAL REGULATIONS AND GENERAL PROVISIONS

In the third draft packet we will prepare and/or revise existing administrative provisions to add review flexibility, address the City and County procedural preferences, and applicable Montana law. The goal of this task is to provide a streamlined, standardized approach to development decisions, while maintaining flexibility for project design and ensuring conformance with the City and County's planning goals and policies. In this final drafting packet, we will also update the general provisions of the regulations – the legal language that is not frequently used but when necessary is very important – and the measurement standards and definitions.



PHASE 3 DELIVERABLES:

- A. Staff drafts for each packet**
- B. Revised drafts for each packet**

Phase 4 Draft Billings and Yellowstone County Zoning Regulations

PURPOSES:

- A. Prepare complete review draft zoning regulations**
- B. Revise public review draft into adoption draft**

Task 4.2 FULL DRAFT ZONING REGULATIONS AND TESTING

Following complete City and County review of each of the draft sections, the SAFEbuilt Studio team will revise the draft zoning regulations and prepare a final, complete draft for staff and public review.

Task 4.3 PUBLIC REVIEW

We will introduce the draft zoning regulations to the public during a series of open-house meetings scheduled for locations across the City and County. We will organize the results of the public feedback as a separate report to the draft regulations and have a final review meeting with City and County staff and focus groups to discuss which changes should be made to the draft zoning regulations and which comments should simply be passed forward to the elected appointed officials without changes to the document.

Task 4.4 ADOPTION DRAFT

Following completion of the open house meetings and any resulting edits, we will prepare an adoption draft for introduction and discussion at formal public hearings. Working with City and County staff, we will prepare and make presentations of the draft zoning regulations to the public elected appointed officials as required by Montana law. Unless otherwise negotiated in the project agreement, SAFEbuilt Studio team members will attend two public hearings or workshops to present the draft and answer any questions. It is normal for additional changes to occur during the hearing process – as with all ordinances – and we will work with staff to ensure that the adopted draft of the Billings and Yellowstone County Zoning Regulations incorporates all of the agreed-to changes made across the project.

PHASE 4 DELIVERABLES:

- A. Complete zoning regulations**
- B. Summary report of public feedback**



Public Outreach Strategies

The process of including the community in the evaluation and revision of land development regulations is a little different from the public outreach typically used when updating a growth policy. This is primarily because development regulations are more technical in nature than growth policies and the language and standards must be very clear and precise. Citizen input for regulatory updates tends to be more focused than with most general planning projects, with more emphasis on technical review that comes later in the project as the code is drafted. Still, there are some options for early involvement that we will incorporate in the project with our goal for the entire project being to make it easy for the public to access the process and participate as they can and in a meaningful way.

Being innovative doesn't always mean you need to try new techniques for community engagement. It may be as simple as listening to the community and hearing what they say is working. We reviewed the Community Conversations Table Café Results published on the City's website and offer the following observations about specific community engagement techniques Billings residents are asking for:

- More face-to-face meetings in neighborhoods. The eight Neighborhood Task Forces in Billings hold regular meetings at locations throughout the City and using these meetings as a forum may engage some unconventional stakeholders.
- The downtown library is a source of community pride and an important civic building, exhibiting iconic architectural design. Workshops or meetings should be held at the library and building should be used as a recognized and comfortable gathering space within the community.
- Use the Community 7 TV channel to air meetings, videos and discussions related to the project.
- The SAFEbuilt Studio team has a 2018 APA Ambassador who can develop a program for youth in Billings to educate and engage them about planning, zoning and development, and citizen involvement.

Returning to the “conventional” approach to input, we think that the challenge of gaining public input for a zoning code process is more complicated than general community visioning and planning. Zoning regulations are simply one tool for implementing a plan or vision and are limited in what they can address. Therefore, it is necessary to guide the public input fairly specifically to gain helpful input into drafting the code. Typically, we rely heavily on past comprehensive and master planning to establish the broad goals and objectives for the zoning code, reinforcing those goals and objectives during the public process and defining how the zoning code can implement them. Community workshop activities will then be crafted to answer key questions or develop more specific objectives to address with the zoning code.

A robust outreach strategy will engage different stakeholder groups – both to gather feedback and to provide project education – through a variety of opportunities:



1. Ongoing, representative, and actively engaged group of stakeholders serving as the project Steering Committee to provide regular input into the process, review all drafts, and guide the process.
2. For those stakeholders with good knowledge of the code and its impacts, use the established Working Groups and create other focus groups for individuals to provide more specific input at the early stage, then more detailed review of code drafts. Along with the established Working Groups, different focus groups could be active neighborhood representatives, development community members, business owners, others.
3. For a broader brush outreach effort, multiple outlets to be used include:
 - a. An online system for asking questions, gaining input, and posting information (check our example from New Hanover County, North Carolina, here: <https://planning.nhcgov.com/udo/home/>);
 - b. A series of open community workshops and meetings based upon gaining insights and promoting understanding of the proposed code components (check out the summary of our work in Boulder, Colorado, here: <https://bouldercolorado.gov/plan-develop/form-based-code>);
 - c. Manned and unmanned open house locations (vacant storefronts?) with activities to gain input and/or posters and information to educate (we love the Zoning 101 video that is part of our current Cedar Rapids project and that could be part of an unmanned open house set-up: [http://www.cedar-rapids.org/local_government/departments_a - f/community_development/rezone_cedar_rapids.php](http://www.cedar-rapids.org/local_government/departments_a-f/community_development/rezone_cedar_rapids.php)); and
 - d. Our team also has the capability to advertise, promote, and disseminate project information to the public through a variety of local media platforms/networks including:
 - i. Local print media including Billings Gazette & Last Best News
 - ii. KULR8 News, Q2 News (TV)
 - iii. Community 7 (Local access TV)
 - iv. Community meetings
 - v. City Council work sessions
 - vi. Billings based social media networks

This process of outreach strategy for different types of input not only increases the number of people participating, but tailors the type of process to the knowledge of the stakeholder.

Finally, based on information gathered in the first phase from interviews and initial steering committee input, the types of add-on workshop activities across the length of the project will be crafted to answer specific coding questions. Activities might include:

- Image preference surveying for character-heavy locations such as the downtown, established neighborhoods, commercial corridors, places with existing master plans.
- Character mapping exercises and verification of mapping activities.



- Topical workshops addressing key issues identified in the early phases of information gathering, such as building materials, landscaping and screening, pedestrian connectivity, parking options.

Our goal for public involvement in the project will be to create multiple opportunities to get involved in a variety of ways that work for different segments of the community.

PROJECT COMMITTEES

Steering Committee. In the majority of our code rewrite projects we work with a steering committee appointed by the local government to assist the project by providing input and feedback. The City/County Planning Board has formed an “ad hoc” Steering Committee with 19 community members representing a broad cross section of the city and county. The Steering Committee will serve as a sounding board and will provide input throughout the project.

Steering Committee Working Groups. The Steering Committee has formed 4 Working Groups to work toward consensus on Signs, Landscaping, County Issues and Urban Issues. The Working Groups will provide technical review of the drafts of the Zoning Code before these are forwarded to the Steering Committee for broader public review.

LIVE PUBLIC MEETINGS AND EVENTS

Our team will provide in-person outreach through public meetings and workshops and presentations to supplement the work of the project committees. Public meetings are dynamic, visual, and productive (although not always in the way we originally anticipated). Our general approach to the public process will include engagement at key process points:

- Project kick-off meeting;
- A series of public open house meetings at the beginning of the project, after drafting the code analysis, and following completion of a full draft of the updated code; and
- Public invitation to the elected and appointed official briefings on the project.

In addition to these meetings, we anticipate public involvement in meetings as part of the final adoption phase of the project. With the availability of our local team members, we are also able to conduct more informal meetings with representatives of local groups or constituencies who should be kept informed about the project. The involvement and understanding of key stakeholders is important throughout the process, and our work plan allows that to be tailored to issues and challenges as they arise.

ELECTRONIC PUBLIC INVOLVEMENT TOOLS - PROJECT WEBSITE

In addition to live public meetings, we propose to incorporate electronic public involvement tools into the project through links to the City and County’s websites. Working with the City and County, we will direct the public to project surveys; social media feeds through Facebook, and Twitter; and YouTube/ Vimeo project videos.



QUALITY ASSURANCE AND QUALITY CONTROL

Excellent quality assurance means that our project process is efficient and effective. Both SAFEbuilt Studio and partner Codametrics have specific experience with taking a zoning code project from start to finish, and our local partner High Plains Architects has parallel experience in the design realm. We have a fundamental understanding of how to move the process forward through a sequential series of drafting and review steps, what questions to ask when to build the relevant layers of the code, how to prompt staff and the public for additional information, and when to provide recommendations about different drafting options that can balance regulatory language choices with desired outcomes and staff capacity. Through our experience with similar projects, we have also learned how to keep a project on track when we hit one of the “hot spots” that every project will inevitably have.

Excellent quality control means that our services and product meet the City and County’s expectations. We ensure quality control in three ways: (1) through an open communication process that includes weekly or bi-weekly project management meetings with staff, (2) an iterative drafting process where our local partners are involved in the drafting of the project as we proceed and are not presented with a “surprise” draft at any point in the process, and (3) heavy local involvement wedded with national expertise. We will combine what we learn from our interaction with the project committees and feedback on the drafts that we prepare with the experience our team has gained through preparing zoning codes across the country. Our goal is to provide Billings and Yellowstone County with regulations that are both locally-specific and best practices based.



PROJECT TIMELINE

Billings/Yellowstone County Zoning Code Update Schedule

	May 2018				June 2018	
	1	2	3	4	1	2
Phase 1: Project Kick-off						
1.1 Document Review	Consultant Work					
Staff Input Call						
Interview Questionnaire						
1.2 Community Involvement Strategy						
1.3 Project Website Information						
1.3 Round 1 Outreach Meetings					tbd	
Staff/Departments						
2 Open House (day/evening)						
Focus Groups						
Steering Committee						
Elected/Appointed Officials						



	June 2018	July 2018	August 2018	September 2018
Phase 2: Code Assessment				
2.1 Current Code Analysis	Consultant Draft			
2.2 Character Area Analysis	Consultant Draft			
2.3 Best Practices Study		Consultant Draft		
2.4 Complete Code Assessment				
Staff Review Draft (SRD)			Staff Review	
Conference Call re: SRD				
Public Review Draft			C Edit	
Public Meetings re: Assessment				tbd
2 Open House (day/evening)				
Focus Groups				
Steering Committee				
Elected/Appointed Officials				

	September 2018	October	November	December	January	February	March
Phase 3: Draft Regulations							
3.1 Districts and Uses	Zone districts (traditional and form), use table, use standards						
Prep Staff Review Draft (SRD)	Consultant Draft						
Staff Review and Call re: SRD		Staff Review					
Revise Draft			C Edit				
Public Check-In				tbd			
Steering Committee							
Focus Groups							
2 Open House (day/evening)							
Elected/Appointed Officials							
Zoning Map Update, Draft				Consultant Draft			
Staff Review						Staff Review	
Revise Draft							C Edit



Phase 3: Draft Regulations	December 2018	January 2019	February	March	
3.2 Development Standards	Parking, landscaping, site layout, lighting, signs, anything required on the site				
Prep Staff Review Draft (SRD)	Consultant Draft				
Staff Review and Call re: SRD		Staff Review			
Revise Draft			C Edit		
Public Check-In				tbd	
Steering Committee					
Focus Groups					
2 Open House (day/evening)					
Elected/Appointed Officials					

Phase 3: Draft Regulations	March 2019	April	May	June	
3.3 Procedures	Administrative review and permits				
Staff Review Draft (SRD)	Consultant Draft				
Staff Review and Call re: SRD		Staff Review			
Revise Draft			C Edit		
Public Check-In				tbd	
Steering Committee					
Focus Groups					
2 Open House (day/evening)					
Elected/Appointed Officials					



	June 2019	July	August	September	October
Phase 4: Full Draft Regulations					
4.1 Full Draft Regulations		Consultant Draft			
Prep Staff Review Draft (SRD)			Staff Review		
Staff/Consultant Revise Draft					
4.2 Public Draft Regulations				Public Process tbd	
4.3 Adoption Draft					

Regular City Council Meeting

Meeting Date: 04/23/2018
TITLE: 457(b) Deferred Compensation Plan
PRESENTED BY: Karla Stanton, Human Resources Director
Department: City Hall Administration
Presentation: No

PROBLEM/ISSUE STATEMENT

City staff requested proposals for bundled services for an IRS Code Section 457(b) Deferred Compensation plan, including recordkeeping, administration, custodial/trustee services, communication and education, and investment advisory/management services. Staff is requesting that the City Council approve a contract with the selected plan provider. The 457(b) plan is a voluntary participation, public sector, deferred income tax, retirement savings vehicle. The City of Billings plan is entirely funded by employee contributions, except for some previous City Administrators who negotiated City contributions on his/her behalf. The City historically allowed two 457(b) plan administrators but had not reviewed their services for many years. The new selection process attempts to ensure that the City is providing the best possible benefit to City employees. Ms. Karlynn Schramm, Gallagher Benefit Services Client Consultant, worked with the City's selection committee, consisting of union and non-bargaining employees, to review 13 proposals. The consultant and committee narrowed the search to two finalists and interviews were conducted on February 21, 2018. Mass Mutual was selected to administer the City's 457(b) plan, with the exception of Nationwide for IAFF (firefighter) members. Nationwide is one of the two providers that historically served the City employees.

ALTERNATIVES ANALYZED

City Council may:

- Approve the contracts with Mass Mutual and Nationwide, or
- Choose not to approve the contracts, and the City would remain with current 457(b) vendors, or
- Select another 457(b) vendor(s).

FINANCIAL IMPACT

There is no direct financial impact to the City; however, there will be a significant reduction in fees of approximately \$200,000, annually, for employees. These fees are paid by the employees' invested Plan assets.

RECOMMENDATION

Staff recommends that the City Council approve Mass Mutual to be the City's 457(b) Plan vendor and Nationwide for IAFF members.

APPROVED BY CITY ADMINISTRATOR

Attachments

MassMutual Draft Service Agreement

MASSMUTUAL ADMINISTRATIVE SERVICES AGREEMENT

This Administrative Services Agreement ("Agreement") is made between Massachusetts Mutual Life Insurance Company ("MassMutual") and Sample Government Client ("Plan Sponsor") with respect to Sample Government 457 Plan and Sample Government 401(a) Plan ("Plans").

WHEREAS: The Plan Sponsor is the sponsor of the Plans and is (or is authorized to act for) the "administrator" of the Plans;

WHEREAS: The Plan Sponsor desires to engage MassMutual to provide the recordkeeping and other administrative services described in this Agreement (the "Services") to the Plans, and MassMutual is willing to provide the Services in exchange for certain fees on the terms and conditions described by this Agreement.

THEREFORE: The Plan Sponsor and MassMutual effective as of the 4th day of December, 2017 hereby agree as follows:

1. RECORDKEEPING AND ADMINISTRATIVE SERVICES

1.1 Description of Services: The Plan Sponsor hereby engages MassMutual to provide the Services described in this Agreement and the accompanying Exhibits. At all times, the Services are subject to review and approval by the Plan Sponsor and the legal, tax and other advisors of the Plan Sponsor, as the Plan Sponsor in its sole discretion, determines.

1.2 Plan Administrator's Guide: The Plan Sponsor hereby directs MassMutual to perform the Services in accordance with the policies, practices and procedures set forth in MassMutual's Plan Administrator's Guide, as the same may be amended by MassMutual from time to time. MassMutual agrees to provide Plan Sponsor with notice of any changes to the Plan Administrator's Guide, which may take the form of posting an amended Guide on MassMutual's plan sponsor website. In any matter not resolved by the language in the Plan Administrator's Guide, Plan Sponsor directs MassMutual, and MassMutual agrees to follow commercially reasonable standards.

1.3 Participant Access/Plan Sponsor Website/Paperless Services: The Plan Sponsor consents to MassMutual's use of electronic media for all services provided under this Agreement to the extent permitted by law and it agrees to process transactions and transmit data and information to MassMutual using electronic media, via MassMutual's plan sponsor website or such other methods as may be agreed to by MassMutual. MassMutual may charge the Plan Sponsor additional fees if the Plan Sponsor does not process transactions using electronic media made available by MassMutual.

The Plan Sponsor directs MassMutual to allow participants online access to their individual accounts and to initiate transactions electronically and via toll-free telephone services which include a voice response unit and customer service professionals. MassMutual endeavors to make its electronic channels, voice response unit and customer service representatives available during normal business hours or such other times as determined by MassMutual. MassMutual is not responsible for the failure of these systems caused by events beyond its control.

MassMutual will act on any telephonic or electronic instructions it reasonably believes to be genuine. In order to prevent unauthorized access to its systems, MassMutual employs reasonable security procedures, such as personal identification numbers and plan sponsor ID numbers. MassMutual is not responsible for a loss that results if any participant's or the Plan Sponsor's identifiers or other security procedures are compromised. Plan Sponsor agrees to immediately notify MassMutual if the Plan Sponsor becomes aware of a security breach.

1.4 Distribution Services: As part of ongoing plan administration, MassMutual will provide terminating plan participants with information regarding their distribution options under the Plan. As part of this service, MassMutual will provide participants with estimated annuity payments where applicable and a notice regarding the tax consequences of various forms of distribution. Plan Sponsor authorizes MassMutual to provide participants information regarding individual retirement accounts and other rollover products available through MassMutual.

1.5 Data Sharing/Plan Sponsor Logo: The Plan Sponsor directs MassMutual to provide the Plan's representatives and other authorized third parties, including but not limited to third-party administrator, broker of record, data aggregator, or other third-party advisor, if any, with information regarding the Plan, as requested by such persons, including but not limited to termination, loans and distributions.

1.6 Plan Conversion: MassMutual will commence providing recordkeeping and other administrative services with respect to the Plan upon the completion of a conversion period during which all Plan records required by MassMutual to perform the Services are transferred to MassMutual. During the conversion period, MassMutual may rely on data supplied by the prior recordkeeper. The details of the Plan's conversion to MassMutual, including the Plan Sponsor's directions with respect to the investment of Plan assets, for example, mapping of plan assets, and other terms and conditions for the conversion, are described in Exhibit B.

2. INVESTMENT PROCEDURES

2.1 Investment of Plan Assets: The Plan Sponsor or its designee, and not MassMutual, is responsible for the investment of plan assets. Plan assets are invested in mutual funds, collective investment trust funds, insurance company general and separate

accounts, other pooled investment vehicles or other investments, selected by the Plan Sponsor or its designee as described in Exhibit C ("Investment Options"). The Plan Sponsor or its designee and/or the participants direct the investment of plan assets among these Investment Options as indicated in Exhibit C. The Plan Sponsor or its designee may amend its selections in Exhibit C at any time by providing MassMutual at least sixty (60) days advance written notice. MassMutual cannot accept any change it is unable to administer.

If the Plan's assets are invested either exclusively or in part through a group annuity contract issued by MassMutual, the Plan Sponsor acknowledges and agrees that MassMutual has established Investment Options that it makes available to plan sponsors through the contract and that the contract allows MassMutual to add, reinvest the underlying assets of, or discontinue, available Investment Options subject to certain conditions. If MassMutual adds an Investment Option to, or removes an Investment Option from the Investment Options available under the group annuity contract, MassMutual will post a notice titled *Separate Investment Account Additions and Removals* on the plan sponsor website at <https://retire.massmutual.com/trc2/public/login.aspx> under the 'Actions and Alerts' section. MassMutual will also post on the same plan sponsor website and location a notice titled *Menu of Available Investment Options* for each Investment Option MassMutual makes available under a group annuity contract or funding agreement that discloses the expense ratio for the investment option and the revenue, if any, paid to MassMutual from the investment option, including disclosure of those investment options that make no revenue sharing payments to MassMutual.

Notwithstanding any provision in the Plan Sponsor's group annuity contract or group funding agreement (the "Group Contract"), MassMutual will not delete, change or replace any investment option the Plan Sponsor has selected to be part of the Plan's menu of investment options (including share classes of a given plan investment option) without: (1) providing the Plan Sponsor with sixty days' written notice, and (2) obtaining the Plan Sponsor's consent to the proposed change, subject to the qualification that MassMutual can remove an investment option from the Plan's menu of investment options if the investment option is no longer available through merger or otherwise and further provided that the Plan Sponsor's failure to object will be treated as consent to the proposed change. If the Plan Sponsor affirmatively rejects the proposed change and MassMutual ultimately implements the change, the Plan Sponsor has the right to terminate the Group Contract without application of a surrender charge or similar charge (a "penalty") and the Plan Sponsor will be provided with an additional sixty days from the effective date of the change to identify an alternative service provider. These conditions only apply to changes to plan investment options initiated by MassMutual.

Any plan investment option changes initiated by an investment provider other than MassMutual will be administered as follows. Unless the change is required by events beyond MassMutual's reasonable control, MassMutual will provide the Plan Sponsor with advance written notice of such change, typically sixty (60) days in advance of the effective date, including an explanation of the reason for, and the effective date of, the change and an opportunity to select other Investment Options available under the group annuity contract. If the change is required by events beyond MassMutual's reasonable control, MassMutual is not required to provide sixty (60) days-notice, but will provide notice as soon as practicable. For administrative purposes, MassMutual may communicate and process changes to the Plan's Investment Options prior to the effective date of the change. If MassMutual notifies the Plan Sponsor of the discontinuance of an Investment Option and the Plan Sponsor fails to select a replacement Investment Option before the requested response date, any plan assets invested in the discontinued Investment Option will be transferred to the Participant Default Investment Option.

The Plan Sponsor directs MassMutual to treat any change to the Plan's Investment Options approved by the Plan Sponsor under the conditions set forth in the group annuity contract or this Agreement, as an amendment to Exhibit C.

As a result of entering into a contractual relationship with MassMutual through a Group Contract, the Plan is directing MassMutual to reinvest any mutual fund dividends or capital gains distributions payable on the shares of any mutual fund in which a separate account invests in the form of additional shares, if available, and credit to contract value the dividends and distributions either as part of the separate account accumulation unit value, or as additional accumulation units. By purchasing this Group Contract, the authorized plan representative hereby instructs that all such dividends and capital gains distributions be paid and credited as described above, so long as available.

2.2 Pricing Transactions: MassMutual generally processes investment instructions at the value determined at the close of the New York Stock Exchange (usually 4 p.m.) on each business day following receipt by MassMutual of the investment instructions in good order. Thus, if MassMutual receives investment instructions in good order before the close of the New York Stock Exchange on a business day, the transaction receives the value of the investment option in question determined as of the market close on that day, earlier times may apply to certain Investment Options. If investment instructions are received in good order after the New York Stock Exchange closes, or on a day when it is not open, the transaction receives the value of the Investment Option in question determined as of the market close on the next day the New York Stock Exchange is open. If investment instructions are not processed on a business day for reasons beyond MassMutual's reasonable control, including without limitation, that the order is not in good order, the instructions will be processed at the value determined at the close of the New York Stock Exchange on the next business day when the investment instructions are in good order or as soon, thereafter, as is feasible.

2.3 Participant Default Investment Option: To the extent that MassMutual does not receive investment instructions or the instructions are not in good order from a participant regarding the investment of all or a portion of the participant's individual account, the amount in question will be invested in the default investment option selected by the Plan Sponsor in Exhibit C.

2.4 Frequent Trading Policy: In order to comply with the prohibitions on market timing and frequent trading enforced by the managers of certain Investment Options or their underlying investments, MassMutual applies controls that prohibit Plan Sponsors and participants from transferring into certain Investment Options if the Plan Sponsor or participant has transferred into and out of the Investment Option within the previous sixty (60) days (the "Frequent Trading Policy"). The Plan Sponsor directs MassMutual to apply the Frequent Trading Policy to the Plan and agrees that MassMutual may revise the Frequent Trading Policy as described above, in its sole discretion. A description of the Frequent Trading Policy is available to the Plan Sponsor upon request. In addition,

the Plan Sponsor agrees and acknowledges that the managers of mutual funds and other Investment Options may require MassMutual to impose different or additional trading restrictions or to prohibit further trading by a plan or participant at any time. MassMutual may revise the Frequent Trading Policy, as necessary, to comply with new investment manager restrictions or legal requirements.

2.5 Competing Investment Options: Exchanges between Investment Options that are competing funds may be restricted, where such exchanges could adversely impact the returns of participants. This restriction may be in lieu of, or in addition to similar restrictions that may be found in any investment agreement, the prospectus, or other documents governing the Investment Options. The Plan Sponsor acknowledges that MassMutual will enforce such restrictions in providing the administrative services under this Agreement.

3. PLAN SPONSOR'S RESPONSIBILITIES

3.1 Instructions, Information and Data: The Plan Sponsor will provide MassMutual with all necessary instructions, information and data in a timely fashion and in good order. The information or data required in a given situation is described in this Agreement, the Exhibits, the Plan Administrator's Guide, or as otherwise communicated by MassMutual. The Plan Sponsor must immediately notify MassMutual if the Plan Sponsor believes MassMutual has not properly processed instructions.

For purposes of this Agreement, "in good order" means an instruction that includes all information reasonably required by MassMutual to give effect to the instruction and is in a format mutually agreeable to the parties. MassMutual has no duty to verify whether instructions, information or data it receives from the Plan Sponsor is properly authenticated, accurate and complete or that it is in receipt of all necessary instructions. MassMutual may fully rely on instructions, information and data provided by the Plan Sponsor, its representatives and other authorized third parties, and the participants. If MassMutual determines that an item is not in good order, MassMutual will bring this to the Plan Sponsor's attention and will inform the Plan Sponsor of what additional information or data is required before it can act. The Plan Sponsor is responsible for any expense or claim that results from the Plan Sponsor's failure to provide instructions, information or data in a timely fashion and in good order. MassMutual is not responsible for a loss that results from carrying out instructions received from the Plan Sponsor, participants, the plan sponsors, representatives, or authorized third parties.

In carrying out its responsibilities under this Agreement, MassMutual will act upon the directions of the Plan Sponsor's representatives. MassMutual will rely upon the continuing authority of such representatives until otherwise notified in writing. MassMutual may act upon written directions of the Plan Sponsor or its representatives (in original or by facsimile transmission) or upon oral or telephonic instructions, or electronically transmitted instructions that MassMutual reasonably believes to be genuine.

3.2 Contributions: The Plan Sponsor, its representatives or other authorized third parties, including but not limited to a common remitter or payroll provider, if any, is responsible for monitoring and collecting all contributions and other amounts due to the Plan, and will remit or cause to be remitted all such sums to the Plan on a timely basis in full compliance with the Internal Revenue Code, as amended ("Code") or other relevant law.

3.3 Multiple Plans and Controlled Groups: The Plan Sponsor will inform MassMutual of other retirement plans it sponsors and controlled groups or affiliated service groups of which it is a member.

3.4 Required Reporting and Communications: This Agreement does not affect which party has ultimate responsibility for a report or participant communication. However, MassMutual will assist the Plan Sponsor with the preparation of reports and participant communications as described in Exhibit A. The Plan Sponsor is obligated to review in a timely manner reports and communications prepared by MassMutual and inform MassMutual of any errors or discrepancies. The Plan Sponsor is responsible for providing participants, including terminated participants, all legally required disclosures, communications and other information. MassMutual only provides the communication materials and statements described in this Agreement (including the Exhibits) and the Plan Administrator's Guide. MassMutual does not make any representations as to whether such communication materials and statements satisfy the requirements under applicable laws and regulations.

3.5 Notice of Plan Events: The Plan Sponsor must notify MassMutual as far in advance as practicable of events that may increase volume in participant-directed transactions or benefit requests. Such events include reorganizations or restructurings, early retirement programs or lay-offs.

3.6 Third-party Service Providers: The Plan Sponsor may engage third-parties to provide services to the Plan. The Plan Sponsor agrees that any third-party administrator or other person engaged by the Plan Sponsor to provide services to the Plan is not, and will not be deemed to be, MassMutual's agent or subcontractor and MassMutual is not responsible for the third-party's acts or omissions with respect to the Plan. MassMutual may subcontract services it provides under this Agreement.

3.7 Missing Participants: In the event that MassMutual cannot from its records ascertain the whereabouts of a participant or beneficiary entitled to a distribution from the Plan, MassMutual will notify the Plan Sponsor. The Plan Sponsor is responsible for locating missing participants and directing MassMutual as to the disposition of missing participants' benefits.

3.8 Certification: In the event of a request by the Plan Sponsor for a transfer of any Plan assets to a new trustee, custodian or insurance company, the Plan Sponsor or a delegate of the Plan Sponsor will, in a written notice delivered to MassMutual: (i) designate the trustee, custodian or insurance company that is to receive the transfer; and (ii) certify that the amount so transferred is to be used to provide benefits for those participants and beneficiaries who would be entitled to benefits under the Plan and such Plan, in the opinion of the Plan Sponsor or its delegate, continues to meet the applicable qualification requirements of the Code. MassMutual will be entitled to rely conclusively upon such certification.

4. FEES

4.1 Fee Schedule: Descriptions of the fees and other revenue MassMutual receives in connection with the Services provided to the Plan Sponsor and the Plan pursuant to this Agreement may be found in Exhibits C ("Plan Investments"), D ("Fees"), F ("MassMutual Retirement Services Float Policy") & H ("Approval Services"). MassMutual reserves the right to assess fees for services it renders which are not contemplated by this Agreement.

4.2 Method of Payment: The Plan Sponsor certifies that reasonable administrative expenses and fees may be paid from plan assets. To the extent the Plan is prohibited from paying amounts due MassMutual from plan assets, the Plan Sponsor will pay the amount due from its own assets. In the absence of notice provided by the Plan Sponsor, MassMutual will deduct from plan assets amounts owed for expenses and fees. Instead of deducting expenses and fees from plan assets, the Plan Sponsor may provide notice to MassMutual in a form satisfactory to MassMutual that it is electing to directly pay the expenses and fees. In such case, amounts are due and payable by the Plan Sponsor within thirty (30) days from the date of the invoice from MassMutual. If fees and expenses have not been paid within thirty (30) days from the date of the invoice, MassMutual will withdraw the amount of the unpaid fees and expenses and all future fees and expenses from plan assets.

4.3 Modification of Fees: The fees set forth in Exhibit D are effective for 3 year(s) from the effective date of this Agreement and is executed contingent upon the assumptions regarding plan assets, cash flow, Investment Options and account balances on which the fees are based at time of conversion. If these factors are not consistent with these assumptions, MassMutual reserves the right to increase fees. Thereafter fees are subject to change upon sixty (60) days advance written notice provided by MassMutual to the Plan Sponsor. This notice will consist of a revised fee schedule. In addition to the fees set forth in Exhibit D, if MassMutual increases any other compensation it receives from the Plan, whether directly or indirectly, including compensation received from the Plan's Investment Options, MassMutual will provide the Plan Sponsor with sixty (60) days advance notice of the increase. The Plan Sponsor may terminate its Contract without penalty if the changes are not acceptable.

4.4 Investment Fees: Under the arrangements between MassMutual and the investment vehicles offered as Investment Options under this Agreement, MassMutual receives certain fees in exchange for providing recordkeeping and accounting services. Amounts received by MassMutual are disclosed in the Cost and Revenue Disclosure document you received before MassMutual began delivering administrative services pursuant to this Agreement. These fees represent a portion of the fees assessed against all of the shareholders or investors in the Investment Options and are separate from fees paid to MassMutual under this Agreement. The Plan Sponsor acknowledges that these fees allow MassMutual to charge the Plan a lower fee under this Agreement than would otherwise be the case. The Plan Sponsor further acknowledges that it has taken these fees into consideration in determining, if overall, the fees paid by the Plan under this Agreement are reasonable. From time to time, MassMutual may renegotiate these fees under such arrangements without the approval of the Plan Sponsor.

4.5 Disclosure of Fees: The attached Exhibits contain a detailed description of all the fees collected under this Agreement. MassMutual also provides or makes available to you materials that describe additional revenue MassMutual receives, including revenue received with respect to the Plan's investments. MassMutual will disclose any material change in this information to the Plan Sponsor as required by law.

4.6 Float: MassMutual's policy is to process contributions to and distributions from the Plan as quickly as possible. Pending the processing of contributions and distributions, funds may be invested in short term instruments such as institutional money market funds. It is MassMutual's policy to retain any earnings ("float") that accrue on these short term investments. The Plan Sponsor acknowledges that it has taken this float into consideration in determining the reasonableness of the fees paid by the Plan under this Agreement. MassMutual's float policy is attached as Exhibit F.

5. TRUSTEE/CUSTODIAN SERVICES

5.1 Custody of Plan Assets: Except for Plan assets deposited under a group annuity contract issued by MassMutual, all assets of the Plan are held in trust by the Trustee/Custodian. The responsibilities of the Trustee/Custodian and its legal obligations are governed by a separate trust agreement.

5.2 Directed Trustee/Custodian: If any assets of the Plan are held in trust, the Plan Sponsor may appoint a directed trustee/custodian of the Plan, provided that MassMutual determines that the directed trustee/custodian is capable of providing information and instructions to MassMutual in accordance with MassMutual's standard administrative procedures, as reasonably determined by MassMutual. In carrying out its responsibilities under this Agreement, MassMutual may rely on information, confirmations and other communications received from the directed trustee/custodian.

If FMT is the directed trustee of the Plan pursuant to a Directed Trustee Agreement between FMT and the Plan Sponsor, the Plan Sponsor confirms that FMT has been properly appointed directed trustee in accordance with the terms of the Plan.

6. AMENDMENT AND TERMINATION

6.1 Amendment: This Agreement may be amended, at any time, by a written agreement of the parties. In addition, acceptance by Plan Sponsor of Services with respect to a Plan and changes to the Plan's investment options by the Plan Sponsor's designee will be deemed to be acceptance by Plan Sponsor of corresponding changes to Exhibits A, C and D, as applicable. Finally, MassMutual may amend this Agreement by providing the Plan Sponsor written notice of an amendment sixty (60) days prior to its effective date. If the amendment is not acceptable to the Plan Sponsor, the Plan Sponsor may terminate this Agreement. In the absence of written notice to terminate this Agreement delivered to MassMutual before the applicable effective date of an

amendment, the Plan Sponsor will be deemed to have approved such amendment. Amendment to the terms of this Agreement may be documented in an addendum to this Agreement.

6.2 Term and Termination: This Agreement commences as of the earliest of the date (i) so indicated on the first page; (ii) executed by the plan sponsor; or, (iii) funds are deposited with MassMutual or the trustee/custodian, and continues until terminated by either party.

At any time, MassMutual or the Plan Sponsor may terminate this Agreement by providing the other party written notice of its intent. Appointment of a successor recordkeeper by the Plan Sponsor effectively terminates this agreement. If the Plan is solely funded by a group annuity contract, then this agreement terminates coincident with the termination of the group annuity contract. Otherwise, the termination is effective sixty (60) days from the date notice is received by the other party, unless the parties select another date mutually agreeable to both. If the Plan Sponsor is terminating this agreement because it objects to an amendment by MassMutual, it may terminate the Agreement by delivering thirty (30) days notice to MassMutual. MassMutual will continue to provide administrative services through the termination date, will be entitled to fees, and will cooperate in the conversion of the Plan to the new recordkeeper to the extent mutually agreeable to both parties. On and after the termination date, contributions to, withdrawals from, and transfers between funds maintained with respect to this Agreement will not be permitted. As of a date not later than thirty (30) days following the termination date, MassMutual will withdraw the value of the affected participants' accounts from the investments made under this Agreement and will deliver the proceeds of such withdrawal to, or as directed by, the Plan Sponsor provided that MassMutual will first be entitled to deduct from such proceeds any administrative or other fees then due to MassMutual. It shall not be a breach of this Agreement if MassMutual fails to make a withdrawal and/or deliver proceeds, as provided for above, due to an unscheduled market closure or any other event beyond MassMutual's reasonable control, provided MassMutual makes such withdrawal and/or delivers such proceeds as soon as reasonably possible following such event. Termination of any other contract issued to the Plan Sponsor by MassMutual will be governed solely by the terms of such contract. MassMutual will provide any outstanding reports to the Plan Sponsor within ninety (90) days of the termination date. Information regarding the form 5500 will be provided as required by law which may be later than stated above.

7. LIABILITY; INDEMNIFICATION; DISPUTE RESOLUTION

7.1 Scope of MassMutual's Responsibility under this Agreement: MassMutual has no duties or obligations with respect to the Plan other than those duties and obligations specifically set forth in this Agreement. Without limiting the foregoing, MassMutual has no responsibility for any of the following: the deductibility of the Plan Sponsor's contributions made to the Plan, the continued qualification of the Plan; the accuracy of data supplied to MassMutual by the Plan Sponsor, its representatives or other authorized third parties, if any, at any time prior to or during the term of this Agreement; the payment of interest, penalties or excise taxes arising from the failure of the Plan Sponsor to comply with any of the Plan Sponsor's responsibilities under this Agreement or applicable law; or joint testing of additional plans maintained by the Plan Sponsor, but administered by someone other than MassMutual. MassMutual does not warrant, verify or accept responsibility for administrative services provided to the Plan Sponsor prior to the engagement of MassMutual.

7.2 Fiduciary Status: The Plan Sponsor acknowledges that it is the plan fiduciary within the meaning of relevant law, with the authority to select service providers and plan investments. It is the intent of the parties that in performing its non-discretionary administrative services for the Plan under this Agreement, MassMutual: (i) acts solely as a non-fiduciary service provider to the Plan Sponsor implementing the instructions and directives it receives from the Plan Sponsor or, as authorized by the Plan Sponsor, from the participants; (ii) is neither a fiduciary nor a plan administrator as these terms are defined in relevant law; and (iii) has no discretion in matters of plan administration and management including, but not limited to, interpretation of the plan document, the application of law and the investment of plan assets. The parties intend that discretion in these, and all other matters, lies exclusively with the Plan Sponsor. The Plan Sponsor is responsible for appointing a plan administrator who has discretionary authority in the administration of the Plan. The Plan Sponsor may also retain other service providers with whom MassMutual will work to service the Plan, including investment advice providers and directed trustees. These service providers may assume fiduciary responsibility with respect to the Plan and while MassMutual may provide the Plan Sponsor with revenue information with respect to these service providers, they are neither affiliates of, nor subcontractors for, MassMutual. MassMutual does not give legal, accounting, or tax advice and the Plan Sponsor should consult its own legal, accounting and tax advisors.

MassMutual may offer group annuity contracts, the assets of which are allocated to insurance company separate investment accounts ("SIA") that may hold plan assets. Those SIAs may invest in either one or more mutual funds, a bank collective trust fund or a portfolio of securities. MassMutual may also offer a registered product through which plans may directly invest in mutual funds (including the MassMutual Premier and Select mutual funds) and bank collective trust funds. MassMutual acknowledges its status as an investment advisor registered under the Investment Advisers Act of 1940 with respect to the plan to the extent that it manages the Premier and Select mutual funds offered under the registered product in accordance with the stated investment objectives of such mutual funds.

With respect to the group annuity contract, MassMutual's affiliate, Babson Capital Management, LLC ("Babson") acknowledges its status as an investment advisor registered under the Investment Advisers Act of 1940 with respect to the plan to the extent that it manages the securities of a portfolio SIA holding plan assets in accordance with the stated investment objectives of such SIA. With respect to the registered product, MassMutual's affiliates, Babson, Baring International Investment Limited ("Baring"), OppenheimerFunds, Inc. ("OFI") or OFI Institutional Asset Management, Inc. ("OFI Inst") acknowledge their status as investment advisors registered under the Investment Advisers Act of 1940 with respect to the plan to the extent that they manage the securities of the mutual funds in which the plan invests in accordance with the stated investment objectives of such mutual funds.

The Plan Sponsor further acknowledges and agrees that all information about the Investment Options (including performance data), all participant enrollment and education information, and similar materials, are provided to the Plan Sponsor and participants to

enable them to independently assess their options and make investment decisions in connection with the Plan. MassMutual is not authorized and will not make recommendations that the Plan Sponsor or a participant may rely on as a primary basis for investment decisions. In making the investments under our products available, MassMutual is not acting as a fiduciary to the Plan. The Plan Sponsor or its delegate is responsible for selecting the investment options that are available under the Plan.

7.3 Indemnification: MassMutual agrees to indemnify and to defend the Plan with respect to any loss or liability including reasonable legal expenses ("Indemnified Costs") arising from a claim or legal action asserted against the Plan or Plan Sponsor based upon the gross negligence or willful misconduct of MassMutual in performing its duties under this Agreement. To the extent permitted by applicable law, the liability of MassMutual under this section is limited to two times the compensation paid to MassMutual under this Agreement in the year the act or omission giving rise to the liability occurred. In its turn, the Plan Sponsor agrees that it, and to the extent permitted by law the Plan, shall indemnify and defend MassMutual and its agents with respect to any Indemnified Costs arising from a claim or legal action asserted against MassMutual or its agents in performing its duties under this Agreement, except to the extent such Indemnified Costs are the result of the gross negligence or willful misconduct of MassMutual. A party ("the indemnified party") will lose its right to seek indemnification and defense under this section regarding a particular claim or action unless it notifies the other party within thirty (30) business days after the indemnified party becomes aware of such claim or action.

7.4 Informal Resolution: If a dispute concerning the performance of duties under this Agreement should arise between the Plan Sponsor and the Plan, on the one hand, and MassMutual on the other, both parties agree that every effort will be made to reach an informal resolution of the matter that is fair and equitable to both parties.

7.5 Limitation/Mitigation of Damages: The right to indemnification for a loss or liability, or to a payment or an award in mediation or arbitration between MassMutual and the Plan, and the Plan Sponsor or its agents, is limited to damages arising directly from a breach of this Agreement. The right to damages under this Agreement does not extend to punitive, consequential, incidental, indirect or special damages. Both parties have a duty to mitigate damages.

7.6 Statute Of Limitations: Subject to relevant law, no lawsuit or other action may be brought by either party hereto, or on any claim or controversy based upon or arising in any way out of this Agreement, after one (1) year from the date on which the cause of action arose regardless of the nature of the claim or form of action, whether in contract, tort (including negligence) or otherwise; provided, however, the foregoing limitation shall not apply to the collection of any amounts due under this Agreement.

8. GENERAL PROVISIONS

8.1 Severability and Validity Agreement: If the parties determine that a provision of this Agreement is open to more than one interpretation, the provision must be interpreted in a manner consistent with applicable law. The finding of a court of law or other legal body that a provision of this Agreement is unenforceable in a jurisdiction, does not affect the validity of the remaining provisions of the Agreement and the remaining provisions will continue to be enforced in all other jurisdictions. Where a provision of the Agreement is found to be unenforceable, MassMutual and the Plan Sponsor agree to substitute new language in the place of such provision that, as closely as possible, reflects the provision's original intent and economic impact. The failure of either MassMutual or the Plan Sponsor to enforce a provision of this Agreement does not constitute a waiver of the provision and does not affect the validity of this Agreement.

8.2 Assignment: Either party may assign this Agreement by providing at least one hundred and eighty (180) days prior written notice to the other.

8.3 Force Majeure: The performance of the respective duties of MassMutual and the Plan Sponsor under this Agreement are excused for any period of time during which performance is impossible due to events beyond the control of either party. This includes, but is not limited to, floods, fire, earthquakes and other natural disasters; power outages; the malfunction of communication facilities; and the closing of stock exchanges.

8.4 Third Parties: This Agreement does not impose duties upon or create rights in any person or entity except MassMutual and the Plan Sponsor.

8.5 Electronic Signatures: The parties agree that the execution of necessary documents or where approval of the Plan Sponsor or a participant is required, this can be accomplished in an electronic format.

8.6 Written Notices: Written notices required under this Agreement must be delivered by a nationally recognized overnight courier service (costs prepaid) to MassMutual; Attention: Executive Vice President for Retirement Services, 1295 State Street, Springfield, Massachusetts 01111; and to the Plan Sponsor Attention: the person designated as the Plan's primary contact at the most recent address on record with MassMutual. The date of a written notice is the date it is received by the recipient. Written notices may be sent by other means, including facsimile or e-mail with confirmation of transmission if this is acceptable to the party receiving the notice. The person designated to receive notice may be changed by providing notice to the other party.

8.7 Plan Sponsor Representations: The Plan Sponsor acknowledges that it is the plan fiduciary responsible for the selection of and monitoring of service providers and investment options for the Plan, and represents that: (i) it is a fiduciary within the meaning of relevant law, with respect to the Plan; (ii) it is independent in all respects of MassMutual and all affiliates of MassMutual; and (iii) it has not relied on any advice or recommendation of MassMutual or any affiliates of MassMutual as a basis to enter into this Agreement or with respect to the selection of the Investment Options offered to participants under the Plan.

8.8 Governing Law: The validity and interpretation of this Agreement and the rights and duties of the parties are governed by the laws of the Commonwealth of Massachusetts without applying the principles of conflict of laws.

8.9 Venue and Jurisdiction: In the event of litigation, MassMutual and the Plan Sponsor consent to the venue in and to the exclusive jurisdiction of the courts of the Commonwealth of Massachusetts, including the Federal District Court for Massachusetts.

8.10 Provisions Survive Agreement: The provisions of Sections 6, 7 and 8 of this Agreement will survive and continue to govern the rights of all parties in the event of the termination of this Agreement.

8.11 Participant Defined: A participant is any person with an individual account in the Plan which includes beneficiaries and alternate payees under qualified domestic relations orders.

8.12 Headings: The headings in this Agreement are for reference only and are not intended to affect the interpretation of its language.

8.13 Plan Sponsor Acknowledgement: The Plan Sponsor acknowledges and agrees that it received from MassMutual, before the execution of this Agreement, sufficient information to make an informed decision as to whether the aggregate of the direct and indirect compensation received by MassMutual in connection with the Services constitutes reasonable compensation.

8.14 Third Party Investment Guidance and Advice Services: MassMutual may make available to the Plan investment advice and related services from third parties ("Advice Providers"). Such services may include, but are not limited to, assisting the Plan Sponsor with investment selection and monitoring and assisting Plan participants with investment selection and asset allocation (collectively, "Advice Services"). By making Advice Services available to the Plan, MassMutual is not soliciting on behalf of any Advice Provider or endorsing or recommending any Advice Provider or any investment advice that any Advice Provider may render. The Plan Sponsor is solely responsible for determining whether to utilize Advice Services and to offer Advice Services to Plan participants and acknowledges that it has the option of declining or discontinuing Advice Services at any time. MassMutual may charge a fee, as otherwise specified in this Agreement, for administering any Advice Services elected by the Plan Sponsor. The Plan Sponsor agrees that in no event will MassMutual be deemed to be a fiduciary to the Plan or participants as a result of making Advice Services available. The Plan Sponsor agrees that investment advice rendered to the Plan by an Advice Provider may be limited to investment options available from MassMutual and that investment advice rendered to participants by any Advice Provider may be limited to the investment options the Plan Sponsor or other Plan fiduciary elects to make available in the Plan. The Sponsor agrees to hold harmless and indemnify MassMutual for any costs or damages resulting from the provision of Advice Services to the Plan or Plan participants.

8.15 Entire Agreement: This Agreement, together with the Exhibits below, represents the entire understanding between MassMutual and the Plan Sponsor regarding the provision of the Services to the Plan. There are no understandings, covenants, or warranties with respect to the Services beyond those explicitly described in this Agreement and the Exhibits. The execution of this Agreement revokes any existing agreement with respect to the Services between the parties. The Plan Sponsor agrees to the following Exhibits to this Agreement:

Exhibits

- Exhibit A – Administrative Services
- Exhibit B – Plan Conversion Services
- Exhibit C – Plan Investments
- Exhibit D – Fees
- Exhibit E – Compensation Paid By MassMutual
- Exhibit F – MassMutual's Float Policy
- Exhibit G – Reimbursement Budget Account
- Exhibit H – Approval Services
- Exhibit I – Not Applicable
- Exhibit J – Not Applicable
- Exhibit K – Fee Roadmap

The Plan Sponsor certifies that it has the power and authority to enter into this Agreement on behalf of all Plans and separate Employers sponsoring those plans covered under this Agreement. The person signing below as the Plan Sponsor's representative warrants, as an individual, that he or she is the Plan Sponsor's representative authorized to sign this Agreement on behalf of all Employers and Plans and that his or her signature is genuine.

SIGNATURES

In Witness Whereof: MassMutual and the Plan Sponsor have caused this Agreement to be executed by their duly appointed officer or representative effective as of the date executed by both parties.

For Massachusetts Mutual Life Insurance Company

3/6/2018

Contract No. 099999-9999-0000
099999-9992-0000



Tina Wilson, Senior Vice President

March 6, 2018
Date

Legal Name of Plan Sponsor: Sample Government Client

Contract Number: 099999
099999-9992-0000

For the Plan Sponsor:

Signature

Date

Printed Name and Title

Draft Copy

EXHIBIT A: ADMINISTRATIVE SERVICES

Recordkeeping Services

- Plan Transition Services
 - Communication Assistance
 - ❖ Creates Sarbanes Oxley notice for participants
 - ❖ Sample board resolutions
 - ❖ Sample notification to existing vendors
 - Dedicated Transition Manager and/or Conversion Team
 - ❖ Manages all phases of conversion services
 - ❖ Establishes responsibilities (including those of your current recordkeeper)
 - ❖ Sets target dates
 - Participant Balance Initiation
 - ❖ Review test files, if applicable
 - ❖ Completes plan reconciliation before establishing participant balances on MassMutual's record keeping system
 - ❖ Provides transition statements for participants
 - Payroll Initiation
 - ❖ Works with payroll department or vendor to establish the workflow for submitting contributions electronically
 - Plan Document Services
 - ❖ Plan design assistance and consultative services
 - ❖ Restatement of plan document to MassMutual's volume submitter document
 - Reporting
 - Service Initiation
 - ❖ Introduction to ongoing service team
 - ❖ Eligibility calculation, employee information feed required
 - ❖ Arranges for enrollment or investment education meetings, minimum number of employees may be required
- Ongoing Administration
 - Automated Services (Groups may elect different services)
 - ❖ Electronic enrollment without eligibility calculation
 - ❖ Salary Contribution Changes
 - ❖ Loan amounts and documentation provided directly to participants
 - ❖ Automated Terminations
 - ❖ Hardship withdrawal suspension monitoring
 - ❖ Feedback data
 - ❖ Data Submittal to MassMutual:
 - ❖ Data Entry via the Sponsor Website
 - ❖ Electronic File Submittal (Groups may elect to submit different files)
 - Contribution
 - Distribution Processing and Reporting (Lump sums, installments, in-service withdrawals, partial distributions and annuities)
 - Loan Processing and Modeling
 - ❖ Paperless loan modeling and processing
 - ❖ Participants will be permitted to initiate a loan via the participant website or the Voice Response System (VRS)
 - ❖ Loan refinancing is not permitted
 - ❖ Delinquent, pending default, suspension, and default notices provided directly to participant homes
 - MassMutual RetireSmartSM Services
 - ❖ Automatic asset allocation
 - ❖ Automatic periodic rebalancing
 - Payroll Processing & Account Maintenance
 - ❖ Regular file feed submission, including contributions
 - Qualified Domestic Relations Order ("QDRO") Processing and Reporting
 - Required Minimum Distribution Processing – Pay distributions to participants and beneficiaries in accordance with Internal Revenue Code minimum distribution provisions.
 - 457(e)(15) Applicable Limit Testing
- Plan Deconversion Services
 - Contract liquidation and asset transfer
 - Data transfer
 - Plan terminations – consulting assistance and participant distribution service

Participant Services

- Ongoing Administration Services
 - Distribution Education Assistance
 - ❖ Customized distribution kits for participants who are retiring or terminating
 - Enrollment Services
 - ❖ Enrollment/investment material
 - Participant Information Center (PIC) Access – Customer service professionals to answer participant telephone calls
 - Participant Retirement Planning Website Access; including Online Transaction Capabilities (24/7/365)

- Touchtone Telephone Service (24/7/365)
- Communication & Education Services
 - Educational Material and Services Access
 - ❖ Interactive participant planning website with planning tools
 - ❖ Participant statements delivered quarterly or annually
 - ❖ 404(a) Participant Fee Disclosure provided on website
 - Education Meetings
 - ❖ On-site / online enrollment, minimum 20 employees per day (after transition, additional charges may apply)
 - MassMutual RetireSmartSM Ready Tool – simple way to calculate and implement savings rates and asset allocation strategies
 - Social Media – interactive version of our participant website
 - Third-party Investment Advice – Online Participant Managed Account Services
 - Third-party Investment Guidance

Plan Sponsor Services

- Ongoing Administration Services
 - Approval Services as elected in Exhibit H
 - Dedicated Service Team
 - Investment Consulting – periodic portfolio review and analysis
 - Loan Monitoring Reports provided via the Plan Sponsor website
 - Payroll Remittal Support – Debit ACH is accepted
 - Termination/Retirement Notification Services
 - Third-party QDRO Review Services
 - Vesting Calculation Service
 - Vesting Reporting to Participants
- Communication & Education Services
 - Education Calendar
 - Plan Sponsor Newsletter
 - Plan Sponsor Website access that includes access to participant accounts (24/7/365)
 - PlanSmartSM Analysis to measure and analyze plan effectiveness
- MassMutual Advisory ServicesSM
 - Fiduciary Planning Guide – available on the sponsor website
 - Form 5330 (additional fees may apply)
 - ❖ Failed 401(k) ADP and/or 401(m) ACP tests – as applicable
 - ❖ Late Contributions – as applicable.
 - Other Tests – as applicable based upon employer entity and benefit plan offerings
 - Plan Administrator's Guide – available on the Plan Sponsor Website
 - Plan Document Services
 - ❖ Amendments and restatements as required (additional fees may apply)
 - Participant Notices – Annual Regulatory Notices, as elected below (additional fees may apply)
 - Qualified default investment alternative
 - Automatic enrollment
 - Safe harbor
 - SAR
 - ICB
 - ENP PFD
 - Projection Illustrations – plan design illustrations as applicable
 - Third-Party Statement on Standards for Attestation Engagements No. 16 (SSAE 16)
 - Third-party Trustee/Custodial Services, if applicable
 - White Papers & Technical Guidance

Investment Services

- Ongoing Services
 - Additional Investment Options – access to over 2800 additional Investment Options
 - Credited Rate Reset – Preparation and analysis of Guaranteed Interest Account ("GIA") credited rate resets
 - Credited Rate Reset Notice – Preparation and distribution of notification to plan sponsor of GIA credited rate resets
 - Custom Choice Strategiessm – uses the existing Investment Options to create target retirement date and lifestyle model portfolios
 - Flash Reports – Intra-quarter updates relating to performance and current issues affecting investments
 - GIA Fair Value Disclosure – Preparation and distribution to plan sponsor of GIA fair value disclosure
 - Investment Updates Notices of any changes relating to the investment options
 - Market Value Adjustment Estimates – Calculation and delivery of market value adjustment estimates for plan sponsors
 - MassMutual Smart ArchitectureSM Investment Program (Smart Architecture) – multiple managers and watch list due diligence
 - Methodology Reports – rationale for the addition of new investment managers
 - Plan Sponsor and Participant Fee Disclosures – Maintenance of GIA data for plan sponsor and participant fee disclosures
 - Qualitative and Quantitative Standard Reporting

- ❖ Daily performance updates – daily prices, year-to-date, 12-month performance, and percent change from previous day
- ❖ Monthly performance summaries – calendar and average annual returns as of the most recent month-end
- ❖ Quarterly investment Webex – overview of the economy, markets and investment-related events
- ❖ Investment Profiles – quantitative and qualitative information for each investment option
- ❖ Peer Analysis Reports – performance summary of all the investment options versus their peers and other relevant benchmarks
- ❖ Market Commentary – quantitative and qualitative review of the economy, markets and investment options
- ❖ Due Diligence Reports – detailed quantitative and qualitative report discussing the performance of each sub advised investment option in consideration of economic and individual manager data
- White Papers – primary research studies developed by the MassMutual Investment Group
- Watch List Updates

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EXHIBIT B: PLAN CONVERSION SERVICES

Mapping of Plan Assets: The Plan Sponsor directs MassMutual to map assets transferred from the Plan's existing investment structure to MassMutual's investment structure in accordance with the mapping described below. MassMutual will accept transferred assets from the prior recordkeeper on or after the effective date of this Agreement and after the execution of all required documents including this Agreement, the group annuity contract, and the trust document.

Current Investment Structure	MassMutual Investment Structure And Designation
Sample Fund 1	SAGIC Diversified Bond II
Sample Age Based 2010	

Investment at the Plan Level. Assets will be invested at the plan level upon receipt by MassMutual of both the transferred assets and the plan records showing the balance for each existing investment and the total amount transferred to MassMutual in good order. The transferred assets will be invested in accordance with the following:

- The transferred assets and the plan records showing the balance for each existing investment and the total amount transferred to MassMutual must be received in good order prior to the close of the New York Stock Exchange (usually 4:00 pm Eastern Time), to ensure that such transferred assets are invested in accordance with the Mapping of Plan Assets described above and valued as of that business day.
- If the transferred assets are received in good order prior to the close of the New York Stock Exchange, but the plan records showing the balance for each existing investment and the total amount transferred to MassMutual are not received in good order until after the close of the New York Stock Exchange on that same day, MassMutual will make a reasonable effort to invest the transferred assets in accordance with the Mapping of Plan Assets as of that business day. However, if MassMutual is unable to invest the transferred assets in accordance with the Mapping of Plan Assets on day of receipt, the transferred assets will be invested in accordance with the Mapping of Plan Assets on the next business day immediately following the day of receipt. In the interim, the transferred assets will be invested in the Plan Default Investment Option.
- If the transferred assets are not received in good order until after the close of the New York Stock Exchange, the transferred assets will be invested in the Plan Default Investment Option as of the next business day and will not be invested in accordance with the Mapping of Plan Assets until the business day all required information necessary to invest the transferred assets is received as described above.

Allocation of Assets at Participant Level: Before assets can be allocated at the participant level, MassMutual must receive in an electronic format, and in good order, from the prior recordkeeper, indicative participant data and investment elections in whole percentages. The allocation of investments at the participant level will generally be accomplished within five business days after the receipt by MassMutual of the electronic indicative participant data and investment elections in good order.

Investment of Future Contributions: Participants will not complete enrollment forms as future contributions will be invested according to the existing elections provided by the prior recordkeeper. Any assets subject to Plan Sponsor selection rights as elected in Exhibit C will be allocated to the investment option(s) selected by the Plan Sponsor in the percentages selected by the Plan Sponsor.

Reliance on Information: During the process of converting the Plan to MassMutual's systems, MassMutual must rely upon information provided by the prior recordkeeper, including the summarizing and reconciling of account balances with plan assets, and reports of plan activity as required by MassMutual. MassMutual is not responsible for any expense or loss that arises from inaccurate or incomplete records provided by the prior recordkeeper.

Existing Matters: The Plan Sponsor warrants that it has notified MassMutual of existing matters regarding the Plan of a material nature including, but not limited to, recent or pending plan examinations conducted by the Internal Revenue Service or legal claims asserted against the Plan or the Plan Sponsor by a participant or other party. MassMutual has no responsibility for pending claims or losses in existence on the date this Agreement is executed.

EXHIBIT C: PLAN INVESTMENTS

Plan Investment Options: The Plan Sponsor has selected the following Investment Options:

Fund or other Investment Account and Designation	Ticker	Cusip	Plan Default Investment Option*
Prem U.S. Govt Mny Mkt Fd (Barings) (MF-G)	MKSXX	57629E209	<input checked="" type="checkbox"/>
SAGIC Diversified Bond II	0	0	<input type="checkbox"/>

*This is the Plan Default Investment Option and is not available as a participant investment option.

Trusted Fixed Interest Option: The Separate Account Guaranteed Interest Contract (or SAGIC), Guaranteed Interest Account (or GIA), and Capital Preservation Account investment options (each a "Fixed Interest Option") are offered through a MassMutual group annuity contract (the "Contract"). To the extent a Fixed Interest Option is held as part of MassMutual's registered product in a trust that is unitized by State Street Bank and Trust Company, then all deposits to, or withdrawals from, the Fixed Interest Option are first processed through the plan's trust as of the close of the Business Day on which the transaction is requested (the "Trade Date") and are simultaneously reflected in participants' accounts. The corresponding deposit to, or withdrawal from, the Fixed Interest Option Contract, however, does not occur until the close of business on the first business day following the Trade Date ("Trade Date +1"). As a result, when there is a net deposit, participants' accounts are credited with units in the Fixed Interest Option trust on Trade Date but cash is held in the trust until the end of Trade Date +1 and, therefore, the trust does not earn the Fixed Interest Option contractual credited rate for that one day. Because the trust does not begin to receive earnings based on the credited rate from the Fixed Interest Option Contract until the end of Trade Date +1, during Trade Date +1 the interest rate received by participants invested in the trust is less than the Fixed Interest Option contractual credited rate. Conversely, when there is a net withdrawal from the Fixed Interest Option, the accounts of participants are reduced by the amount of the withdrawal at the end of the Trade Date but there is a one day delay in the withdrawal from the Fixed Interest Option Contract. This means the trust receives an extra day of earnings at the Fixed Interest Option contractual credited rate, causing the interest rate received by participants invested in the trust on Trade Date + 1 to be higher than the credited rate under the Fixed Interest Option Contract.

Participant Default Investment Option: If MassMutual isn't otherwise provided with investment direction with respect to a participant's account, either from the Plan Sponsor or the participant, the Plan Sponsor directs MassMutual to invest all amounts contributed on the participant's behalf, in the CustomChoice Hybrid Strategy. If the default investment option selected is a target maturity investment option, the Plan Sponsor directs MassMutual to invest participants' contributions based on the participant dates of birth according to the date ranges selected by the Plan's authorized implementer identified below or as otherwise communicated to MassMutual be the Plan Sponsor with a moderate risk level.

Contributions will be invested in the SAGIC Diversified Bond II investment if MassMutual is not provided with the participant's date of birth prior to initial investment.

Plan Default Investment Option: MassMutual will allocate contributions to participants' accounts according to allocation instructions received in good order from the Plan Sponsor. Unallocated contributions will be invested in the Plans Default Investment Option from the date the contribution is received until the contribution is allocated.

Unallocated Suspense Account: Any Plan assets to be held in an unallocated suspense account under the Plan, including but not limited to forfeitures, will be invested in the SAGIC Diversified Bond II designated by the Plan Sponsor.

CustomChoice StrategiesSM

The CustomChoice StrategiesSM option selected by the Plan Sponsor or its representative is Blended (3 risk, 10 year increments). The Plan Sponsor or its representative has also selected the investments to be included in the CustomChoice StrategiesSM and has elected to rebalance the Custom Choice Strategy Quarterly. The rebalance will occur based on the portfolio implementation date and the frequency elected. Rebalances will also occur in accordance with any strategy allocation changes.

The authorized implementer of the CustomChoice StrategiesSM listed below will select the investment options that are the components for each custom strategy and designate the percentages for each custom strategy that will be allocated to each component investment option. The component investments and designated percentages for each custom strategy are listed on the plan sponsor website at <https://wwwrs.massmutual.com/trc/login.asp> under the investment tab.

MassMutual does not serve as investment manager or provide any investment advice with respect to Custom Choice Strategies. The Plan Sponsor and its authorized implementer are solely responsible for selecting, monitoring and adjusting the allocations and/or glide paths used by the Plan on an ongoing basis and for ensuring that the Custom Choice Strategies meet the needs of their plan and participants.

Authorized Implementer Name

Authorized Implementer's Name – Individual or Committee and Committee Representative Name
(If there is a change to this Implementer, notify your MassMutual representative immediately)

Investment Direction

MassMutual will maintain a distinct Account for each participant to reflect the participant's entire interest under the Plan. The participant's Account will be composed of distinct sub-Accounts if different forms of contributions have been made by or for a participant in accordance with the terms of the Plan. Other sub-Accounts may also be established as the Plan Sponsor deems necessary for the proper administration of the Plan. Except to the extent elected otherwise below, each participant is responsible for directing the investment of their Account and the same investment direction will apply to all the sub-Accounts that make up the participant's Account.

- Notwithstanding the above, the Plan Sponsor or their designee is responsible for providing investment direction with respect to the following sub-Account(s) (the participants will be responsible for directing the investment of any sub-Accounts not selected below.):
- All sub-Accounts
 - Salary Deferral (including Roth Deferrals)
 - Match (including QMAC and Safe Harbor Matching Contributions)
 - Employer Non-Elective (including QNEC and Safe Harbor Non-Elective Contributions)
 - All Employee Contributions
 - All Employer Contributions
 - Rollover
 - After-Tax
- Notwithstanding the above, a participant may provide separate investment direction with respect to the following sub-Account(s):
- Salary Deferral (including Roth Deferrals)
 - Match (including QMAC and Safe Harbor Matching Contributions)
 - Employer Non-Elective (including QNEC and Safe Harbor Non-Elective Contributions)
 - All Employee Contributions
 - All Employer Contributions
 - Rollover
 - After-Tax

SIA Commodity Pool Operator Notice: MassMutual has claimed an exclusion from the definition of the term "Commodity Pool Operator" under the Commodity Exchange Act (the "CEA") with respect to all of its Separate Investment Accounts ("SIAs") and, therefore, with respect to such SIAs is not subject to registration or regulation as a Commodity Pool Operator under the CEA.

Levelling Revenue Sharing Payments – A Participant's account invested in a plan investment from which MassMutual receives revenue to offset plan administrative services expenses: (1) in an amount in excess of 0.30 basis points (the "Target Percentage") will have an amount equal to the calculated excess credited monthly to such plan investment; and (2) in an amount less than the Target Percentage will have an amount equal to the calculated deficiency deducted monthly from such plan investment.

MassMutual's Role: MassMutual has no discretion with regard to the selection or monitoring of the Plan's Investment Options. MassMutual's role is limited to carrying out the investment instructions of the Plan Sponsor and participants. MassMutual, or its affiliates, may serve as the investment manager to registered investment companies or other investment vehicles offered as investment options under the Plan. However, MassMutual does not act as an investment advisor to the Plan. From time to time, MassMutual may provide informational materials regarding the Plan's investment options to the Plan Sponsor or to participants. Such material is informational or educational in nature and does not constitute investment advice.

EXHIBIT D: FEES

Except as otherwise provided in the Agreement, expenses will be determined and deducted monthly as of a date determined by MassMutual.

Annual Asset Charge: An asset charge at an effective annual rate of 0.10% will be applied to all assets of the Plan as described in Exhibit C Plan Investments, provided that no charge will be applied to assets, if any, invested in a Self-Directed Brokerage Account, a Company Stock Account or a third-party component of a blended stable value investment option.

The above charges are paid by the Participant.

Participant Activity Services:

Service	Fee	Fee Paid By
Disbursement Charge	\$40	Participant
Return of Excess Charge:	\$40	Plan Sponsor
Overnight Mailing of Check, if requested	\$20	Participant
Reprocessing (adjustment)	\$75 per occurrence, additional fee may apply	Participant
Loan Initiation Charge	\$125	Participant
Refinanced Loan Charge	\$125	Participant
Residential Loan Charge	\$125	Participant
Installment Payment Setup Charge	\$100	Participant
Annuity Payment Setup Charge	\$175*	Participant

* The purchase price of an annuity will include an additional cost not to exceed 2% of the annuity to cover acquisition costs and state premium tax, if applicable.

Special and Optional Charges:

Service	Fee	Fee Paid By
Contributions submitted other than Debit ACH	\$1,200 per Subscriber, charged annually	Plan Sponsor
Participant Address Searches	\$3.00 per address, additional fees may apply.	Plan Sponsor
Participant Notices Annual Regulatory Notices	Fee quoted upon request A fee will be quoted upon request for any mailings not elected in Exhibit A. This service will continue unless you elect otherwise.	Plan Sponsor
Contract Liquidation Estimate Charges	\$125 per estimate of the liquidation value of the "Stable Value Option" in excess of one estimate per calendar month	Plan Sponsor
Plan Year End Testing Services – Retesting due to Sponsor data errors	\$500	Plan Sponsor
Plan Amendment (Other than Regulatory Amendments)	Volume Submitter, 403(b) or 457(b) \$300. An additional fee may be charged if customized wording is required. Any additional fee to be agreed upon by the Sponsor and MassMutual prior to the service being provided.	Plan Sponsor
Loan Policy Amendment	\$100, charges may vary based on complexity	Plan Sponsor
New Plan Volume Submitter Document (including Restatements)	\$800	Plan Sponsor
Restatement of Individually Designed Plan to MassMutual Volume Submitter document	\$800	Plan Sponsor
Future Regulatory Restatements	Fee quoted at time of service	Plan Sponsor

Advisory and Compliance Consultative Services—(any other non-standard service (including, but not limited to, contribution projections, plan termination assistance and plan audit assistance. - Estimates are available before the service is provided	\$200 per hour charge	Plan Sponsor
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The above services are provided within this Agreement. MassMutual reserves the right to assess fees for services it renders which are not currently contemplated by this Agreement, provided, however, that in each instance such fees will be provided in writing to the Plan Sponsor and agreed upon by the Plan Sponsor and MassMutual prior to the commencement of such services.

Additional Service Charges: Fee quoted for services upon request
<ul style="list-style-type: none"> Payroll conversions, data feeds, corrections
<ul style="list-style-type: none"> Non-standard data input, error corrections, special calculations
<ul style="list-style-type: none"> Account adjustments
<ul style="list-style-type: none"> Additional contract liquidation services can be found in the Plan Administration Guide
<ul style="list-style-type: none"> Contribution and allocation services
<ul style="list-style-type: none"> Repeated lapse calculation estimates and monitoring
<ul style="list-style-type: none"> Plan Reviews including but not limited to Plan design illustrations
<ul style="list-style-type: none"> IRS/DOL Corrective Programs
<ul style="list-style-type: none"> Expenses for Sponsor requested mailings

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EXHIBIT E: COMPENSATION PAID BY MASSMUTUAL

Agents Benefits, if applicable: MassMutual insurance agents may also be eligible for certain cash and non-cash benefits from MassMutual in addition to commissions. Additional cash compensation includes bonuses and allowances based on factors such as sales, productivity and persistency. Non-cash compensation includes various recognition items such as prizes and awards as well as payment of the cost associated with attendance at conferences, seminars and recognition trips. Sales of this product may help these agents and their supervisors qualify for such benefits.

Subcontracting: MassMutual may make payments to intermediaries under sub-contracting services agreements for certain plan administrative services that MassMutual would otherwise provide, such as assistance with enrollment meetings, or to deliver marketing and sales assistance services to MassMutual.

Override Payments: MassMutual may make override payments to sales and/or servicing organizations to defray a portion of the organization's cost of maintaining its sales and servicing representatives. Not all sales and servicing organizations receive override payments. If MassMutual makes a payment, it is typically based on a percentage of the aggregate value of plan assets held in MassMutual products that were sold, or are serviced, by the organization's representatives. The level of these payments to eligible organizations varies.

Sponsorship Payments: MassMutual may make sponsorship payments to intermediaries for, among other things, training of sales personnel, conference support, marketing or other services they provide to promote awareness of MassMutual's products. Not all intermediaries receive marketing support payments and the level of these flat dollar payments to intermediaries varies. The largest payment to any intermediary during the last calendar year was approximately \$1,200,000. Also, MassMutual has a variety of arrangements with intermediaries that are not directly related to the sale of MassMutual products to your plan. For example, MassMutual provides cash and non-cash benefits to intermediaries in consideration of their overall efforts selling MassMutual's products, such as prizes, awards, gifts, entertainment and charitable contributions. MassMutual may also reimburse intermediaries for certain expenses, such as the cost of promotional items or expenses associated with meetings, conferences, seminars, and recognition trips. An intermediary may receive compensation for selling other MassMutual products and MassMutual might purchase goods or services from intermediaries or their affiliates, such as educational seminars and training or pricing services. When a participant in a retirement plan funded by a MassMutual product leaves the plan and transfers the participant's beneficial interest into a MassMutual-affiliated rollover IRA, MassMutual may compensate the intermediary.

No Additional Charges: Any compensation paid under the arrangements listed above is paid from MassMutual's assets and will not result in any additional direct charges to you. If one or more of the above compensation arrangements are provided, such compensation arrangement may provide an intermediary with a financial incentive to recommend a MassMutual product over other available products whose issuers do not provide such compensation or which provide lower levels of compensation. Your intermediary can tell you whether his or her organization has entered into any such agreements with MassMutual. You may want to take such compensation arrangements into account when evaluating any recommendations regarding this MassMutual product. Applicable compensation is reported to you annually on the Form 5500.

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EXHIBIT F: MASSMUTUAL RETIREMENT SERVICES FLOAT POLICY

MMRS' procedure for processing Plan contributions provides for prompt investment of funds according to contract obligations. When a contribution is received in good order before the cut-off time (normally 4:00 p.m. Eastern Time) on a Business Day, contributions are valued as of the end of that Business Day. A contribution is received in "good order" when a contribution is accompanied by usable and complete data, and available funds equal to the total amount shown in the data. "Business day" is defined as each day that the New York Stock Exchange is open for business. It is MMRS' goal to minimize the generation of Float by handling transactions as soon as possible in accordance with contract obligations. Notwithstanding this policy, amounts held pending investment may generate Float.

Float may arise in connection with various deposits such as plan contributions, loan repayments and expense payments ("contributions"), including funds received by wire or electronic funds transfer ("EFT"). Float is generally not earned on contributions processed via check, unless the funds are available immediately. When a contribution is received, funds are invested in overnight investments pending execution of investment directions. Funds may be invested in the following types of overnight investments: (1) institutional money market account, which earns institutional money market rates; (2) passive overnight bank sweep, which is credited with overnight bank deposit rates; or (3) corporate checking account, which is credited at a rate that is set by the bank, currently 90% of the 3-month average of the 13-week Treasury-bill rates. When funds are withdrawn at the start of the following business day in order to be invested according to investment instructions, MMRS retains the Float, or interest, as part of its compensation. Contributions made by wire that are not in good order may earn additional Float until good order is obtained.

It is the policy of MMRS to process distributions and the corresponding withdrawals from investments as soon as possible. Notwithstanding this policy, Float may arise in connection with distributions, including those that are made by check or by EFT.

There is generally no Float generated in connection with account distributions made by wire transfer. MMRS issues a disbursement and directs the providers of Plan investment options to transfer the funds to MMRS in an amount sufficient to satisfy the distribution request. On the date that the disbursement is issued, the funds are withdrawn from the investment options and are invested in one of the following types of overnight investments: (1) institutional money market account, which earns institutional money market rates; (2) passive overnight bank sweep, which is credited with overnight bank deposit rates; or (3) corporate checking account, which is credited at a rate that is set by the bank, currently 90% of the 3-month average of the 13 week Treasury-bill rates. MMRS accrues any Float, or interest, that is earned on the funds from the time the disbursement is issued until such time as the disbursement is deposited or cashed as part of its compensation. Generally, in the case of a disbursement issued by check, if the check is not deposited or cashed after six months, the funds are returned to the plan as abandoned property.

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EXHIBIT G – REIMBURSEMENT BUDGET ACCOUNT

Reimbursement Budget Account Agreement

Reimbursement Budget Account Credit: MassMutual agrees to transfer from its revenues to an unallocated account maintained by the Plan (the "Reimbursement Budget Account") an amount as calculated below:

The annual Reimbursement Budget Account Credit will be an amount equal to 0.15% of the Plan assets calculated as follows: each calendar quarter MassMutual will calculate the Reimbursement Budget Account Credit for such period by multiplying the value of Plan Assets as of the last business day of such calendar quarter by 1/4 of the annual Reimbursement Budget Account Credit percentage listed above. The maximum annual Reimbursement Budget Account Credit will equal the sum of the quarterly credits.

The Plan Sponsor hereby directs that the Reimbursement Budget Account Credits be invested in the same investment option selected by the Plan Sponsor in the Agreement for investment of the Unallocated Suspense Account.

If the effective date of this Reimbursement Budget Account Agreement does not coincide with the first day of the first quarterly calculation period, the first quarterly credit will be prorated accordingly. In the event that MassMutual reasonably determines that the making of an Reimbursement Budget Account Credit could result in the violation, constructive or otherwise, of any law, regulation, or ruling made by a court or regulatory body, MassMutual will reduce the amount of the Reimbursement Budget Account Credit to the extent necessary to avoid such violation.

MassMutual will process payment of plan administrative expenses from the Reimbursement Budget Account and/or allocate Reimbursement Budget Account credits to participant accounts in accordance with the procedures established by the Plan Administrator, which are incorporated as "Exhibit 1" to this Reimbursement Budget Account Agreement.

The Plan Sponsor has advised MassMutual that it has entered into an agreement with Advisor's Name (the "Direct Payee") to perform certain plan administrative services for which the Direct Payee is entitled to annual compensation in the amount of the entire Reimbursement Budget Account Credit listed above. MassMutual will pay the Direct Payee out of the Reimbursement Budget Account Credit in the same periodic frequency as the Reimbursement Budget Account Credit is calculated above. The Plan Sponsor has directed MassMutual to make such Reimbursement Budget Account Credit payments to the Direct Payee until the Plan Sponsor notifies MassMutual in writing to discontinue making Reimbursement Budget Account Credit payments to the Direct Payee.

Exhibit 1 – Plan Procedures: Reimbursement Budget Account Arrangement

WHEREAS, Section 11.04 of the Plan document grants to the Plan Administrator broad authority to establish procedures to carry out the purposes of the Plan; and

WHEREAS, the Plan Sponsor has entered into an Reimbursement Budget Account Agreement with the Plan's service provider pursuant to which the Plan's service provider has agreed to make available to the Plan from its revenue Reimbursement Budget Account credits; and

WHEREAS, the Plan Administrator intends to adopt procedures to provide for the allocation of the Reimbursement Budget Account credits to an unallocated account under the Plan and to allocate unused credits to participants' accounts;

NOW, THEREFORE, the Plan Administrator hereby establishes the following procedures,

1. Establishment of an Unallocated Reimbursement Budget Account under the Plan. Effective December 4, 2017, an unallocated Reimbursement Budget Account will be established under the Plan to hold Reimbursement Budget Account credits transferred to the Plan by the Plan's service provider in accordance with the Reimbursement Budget Account Agreement reached between the Plan Sponsor and the Plan's service provider.

2. Permissible Uses of Reimbursement Budget Account Credits. For each year during which an Reimbursement Budget Account Agreement is in effect with a service provider, the Plan Administrator may, in its discretion, direct the service provider to either pay reasonable Plan administrative expenses with the Reimbursement Budget Account credits or allocate the Reimbursement Budget Account credits among the accounts of Participants with a balance in the Plan on the date as of which the Reimbursement Budget Account credits are allocated (the "Allocation Recipients"), in accordance with paragraph (3). In the event that Reimbursement Budget Account Credits credited during a Plan Year are not used to pay reasonable Plan administrative expenses by the 15th day of the last month of the Plan Year, the remaining Reimbursement Budget Account credits will be allocated to Allocation Recipients, in accordance with the Allocation Methodology procedure described in paragraph (3).

3. Allocation Methodology. In the event that Reimbursement Budget Account credits are allocated to Allocation Recipients, the Plan Administrator directs the Plan's service provider to allocate shares of the Reimbursement Budget Account credits to the Allocation Recipients on a business day (the "Allocation Date") which shall occur not later than the last day of the Plan Year. Each Allocation Recipient will receive a pro-rata share of the total Reimbursement Budget Account credits in the same proportion that each Allocation Recipient's account balance as of the Allocation Date bears to the total balance of all Allocation Recipients' accounts as

of the Allocation Date. The Reimbursement Budget Account credits will be allocated among contribution sources pro-rata based on the sources in which the Allocation Recipient has a balance on the Allocation Date and among investment options based on the investment selection percentages in effect as of the Allocation Date for each such contribution source.

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EXHIBIT H: APPROVAL SERVICES PLAN SPONSOR DIRECTION

The Plan Sponsor hereby directs MassMutual to process the transactions described below pursuant to the procedures outlined in the Plan Administrator's Guide or which are provided to the plan sponsor for review. MassMutual has no discretion with regard to processing these transactions, and there will be no deviation from these procedures without the Plan Sponsor's written direction. MassMutual may subcontract certain aspects of these approval services to other vendors.

Service	Fee	Fee Paid By
Hardships Withdrawals: Review Withdrawal Request based on election in the Plan document	\$160 per approval request plus disbursement charge	Participant
		Plan Sponsor
Domestic Relations Orders: <ul style="list-style-type: none"> • Determine that order satisfies IRS Requirement for a Qualified Domestic Relations Order 	\$350 per approval request, plus disbursement charge	Participant
	\$350 if the request is rescinded or closed	Participant
In Service Withdrawal	Refer to Exhibit D for disbursement charge	Refer To Exhibit D
Rollover: The Plan will accept eligible rollover distributions from: (Check all that apply.) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> a qualified plan described in Code Section 401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), excluding after-tax employee contributions. <input type="checkbox"/> a qualified plan described in Code Section 401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), including after-tax employee contributions. <input checked="" type="checkbox"/> a plan described in Code Section 403(a) (an annuity plan), excluding after-tax employee contributions. <input type="checkbox"/> a plan described in Code Section 403(a) (an annuity plan), including after-tax employee contributions. <input checked="" type="checkbox"/> a plan described in Code Section 403(b) (a tax-sheltered annuity), excluding after-tax employee contributions. <input type="checkbox"/> a plan described in Code Section 403(b) (a tax-sheltered annuity), including after-tax employee contributions. <input checked="" type="checkbox"/> if the Plan permits Roth Elective Deferrals, a Roth elective deferral account from (select all that apply): <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> a qualified plan described in Code Section 401(a). 2. <input checked="" type="checkbox"/> a plan described in Code Section 403(b) (a tax-sheltered annuity). <input checked="" type="checkbox"/> an eligible plan described in Code Section 457(b) (a deferred compensation plan) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. <input checked="" type="checkbox"/> a rollover contribution of the portion of a distribution from a traditional IRA that is eligible to be rolled over and would otherwise be includible in gross income. Rollovers from Roth IRAs or a Coverdell Education Savings Account (formerly known as an Education IRA) are not permitted because they are not traditional IRAs. A rollover from a SIMPLE IRA is allowed if the amounts are rolled over after the individual has been in the SIMPLE IRA for at least two years. 	Refer to Exhibit D for disbursement charge	Not Applicable
Unforeseen Emergency Distribution*	\$160 per approval request plus disbursement charges	Participant

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EXHIBIT K: FEE ROADMAP

Understanding fees is a necessary step in assessing whether or not they are reasonable compensation for the services associated with them. The types of fees described below may be associated with one or more service(s) related to your plan.

Revenue/Fees Received by MassMutual	Description of Revenue/Fees Received	Sponsor Disclosure
12b-1 Fee	These are fees that we may be paid pursuant to an agreement with the investment advisors or distributors of mutual funds other than the plan's MassMutual Premier and Select investment options that are offered either directly or through separate investment accounts on our investment platform. They can be paid for providing services in connection with the distribution and marketing of the mutual fund, including fees paid for marketing and selling fund shares, such as compensating brokers and others who sell fund shares, and paying for advertising, the printing and mailing of prospectuses to new investors, and the printing and mailing of sales literature. They also can be paid for providing shareholder services to the mutual fund investors, which include responding to investor inquiries and providing investors with information about their investments. Whether paid for distribution or shareholder services, 12b-1 fees are a form of revenue sharing when they are paid to us and are disclosed as Administrative Services Revenue. 12b-1 fees reduce the mutual fund's NAV.	Proposal/Services Agreement/ Prospectus ⁴ / Cost and Revenue Disclosure
Administrative Fees	Fees associated with administration of the plan's MassMutual Premier and Select investment options, including enrollment in and distribution from the investment option, transaction processing, and preparation and mailing of account statements and certain required notices. Administrative fees are included in a mutual fund's expense ratio.	Prospectus/Statement of Additional Information/ Cost and Revenue Disclosure
Asset charge	The asset charge is calculated based on plan assets and may be paid by the plan sponsor or deducted from participants' accounts or plan assets on a periodic basis.	Group Annuity Contract/ Proposal/ Services Agreement/ Cost and Revenue Disclosure
Distribution Processing Fee	Fee for all aspects of processing withdrawals, loans, QDROs, RMDs, or other distributions, including payments, taxation and reporting. It is either paid by the Plan Sponsor or deducted from participants' accounts or from plan assets.	Proposal/Services Agreement/Plan Administrator's Guide
Fee for Investor Services	These are fees that we may be paid pursuant to an agreement with a fund's investment advisor with respect to either mutual funds other than the plan's MassMutual Premier and Select investment options or bank collective trust funds that are offered either directly or through separate investment accounts on our investment platform. They are often paid by the fund's investment advisor from its revenue. MassMutual provides services to investors in mutual funds and bank collective trust funds, which include responding to investor inquiries and providing investors with information about their investments, that would otherwise be performed by the fund's investment advisor in a retail fund context. Fees for investor services are a form of revenue sharing when they are paid to us and are disclosed as Administrative Services Revenue.	Proposal/ Prospectus/ Cost and Revenue Disclosure

⁴ MassMutual has provided, or made available electronically, disclosure materials, including prospectuses and statements of additional information, provided by issuers of the plan's designated investment alternatives (or the mutual funds or bank collective trust funds underlying the plan's separate investment account investment alternatives). MassMutual makes no representations as to the completeness or accuracy of such materials provided by nonaffiliated issuers.

Revenue/Fees Received by MassMutual	Description of Revenue/Fees Received	Sponsor Disclosure
Flat Dollar Fee	This flat fee may be paid by the Plan Sponsor or deducted from plan assets on a periodic basis.	Expense Disclosure/ Services Agreement/ Cost and Revenue Disclosure
Float	Float is generated from the overnight investment of assets and may arise in connection with deposits such as plan contributions, loan repayments and expense payments. Float may also arise in connection with distributions.	Services Agreement/ Float Disclosure
MassMutual Retirement Services (MMRS) General Investment Account investment option revenue	We offer two general classes of general account investment options. The first class of general account investment options falls into the category of guaranteed benefit policies. If your plan has a guaranteed benefit policy, then your plan is provided a guaranteed rate of interest on deposits held for a specified period of time. We commit to return the principal and the promised interest regardless of either the expenses we incur in investing the assets within our general account or the actual return on those assets (although a market value adjustment will apply to certain employer-initiated distributions). Given the nature of these investment options, there is no guarantee that we will receive a pre-set level of revenue, as we do in connection with a mutual fund advisory fee. Although we retain the difference, if any, between the guaranteed rate of interest and the investment return we actually earn on the deposits in our general account (net of expenses), this is not an additional expense to the plan. The second class of general account investment options falls into the category of transition policies. You will know you own a transition policy rather than a guaranteed benefit policy because of the annual transition policy notice you receive from MassMutual. If your plan has a transition policy, your plan is provided a rate of interest on deposits held for a specified period of time based on the actual earnings rate of that plan's interest in MassMutual's general account less a fee and risk charge of 140 basis points. Transition policies are subject to a floor rate of 0%, although a market value adjustment will apply to certain employer-initiated distributions. Under these products, the interest we credit is on an investment year methodology, with interest accrued throughout the year based on estimates of investment return net of investment expenses. Shortly after year end interest is trued up based on actual results.	Group Annuity Contract/Proposal/ Services Agreement/ Cost and Revenue Disclosure
Investment Management Fee	Investment management fees, or "annual expense ratio," are paid directly out of the assets of the investment option to the investment advisor for managing the investment portfolio. With respect to the MassMutual Premier and Select Funds, we receive these fees in our capacity as investment advisor to these funds and they are included in a mutual fund's expense ratio.	Prospectus/Cost and Revenue Disclosure
Millennium Trust Company Automatic Rollover IRA Referral Fee	Millennium Trust Company, LLC (MTC) pays MassMutual a one-time referral fee of \$40 for IRAs with balances of \$500 or more, \$10 for IRAs with balances between \$75 and \$500 and \$0 for IRAs with balances less than \$75.	Form 5500 Schedule C Attachment
Non-Active-Employee Participant Fee	Fee associated with all aspects of providing direct administration of plan services to non-active-employee participants. The total revenue received by MassMutual is based on the number of participants who are not active employees (including but not limited to beneficiaries, alternate payees, terminated employees and retirees) and have a vested account balance ("non-active-employee participants"). The number of non-active-employee participants is disclosed on MassMutual's plan sponsor website. The fee may be deducted from the accounts of the non-active-employee participants on a periodic basis.	Proposal/Services Agreement/Cost and Revenue Disclosure
Optional Services' Fees	These are fees that we may be paid if you elect to receive any of the optional services described in the Services overview. These fees may be paid by the Plan Sponsor or deducted from participants' accounts or from plan assets	Services Agreement/ Plan Administrator's Guide

Revenue/Fees Received by MassMutual	Description of Revenue/Fees Received	Sponsor Disclosure
Other Investment Fees	Other investment fees (for example: account maintenance fees, or "annual expense ratio") are any expenses incurred by the investment option that are not included in any other investment-related Compensation/Fee categories. Other investment fees may include custodial, legal, accounting, transfer agent as well as shareholder service expenses paid outside of a mutual fund's 12b-1 arrangement. Other investment fees are included in a mutual fund's expense ratio.	Prospectus/ Annual Report/ Cost and Revenue Disclosure
Per Participant Fee	The participant charge is based on the number of participants and may be paid by the Plan Sponsor or deducted from participant's accounts or from plan assets on a periodic basis.	Proposal/Services Agreement/Cost and Revenue Disclosure
Securities Lending Fees	These are fees that may be received by advisors to investment funds if they lend portfolio securities to broker-dealers or other institutional borrowers. Loaned securities are secured by collateral in the form of cash, cash equivalents (such as money market instruments) or other liquid securities in an amount at least equal to the market value of the securities loaned. The advisor invests the collateral and retains a portion of the earnings from the invested collateral. Accordingly, while the earnings on the investment of the collateral are additional revenue to the advisor, they are not an additional cost to the plan that invests in the fund. Currently we do not lend our portfolio securities.	Prospectus (or other offering document)/ Statement of Additional Information
Self-Directed Brokerage Account (SDBA) Fees	<p>Self-Directed Brokerage Accounts: If your plan provides for a self-directed brokerage account option ("SDBA") from Charles Schwab & Co., Inc. (the "SDBA Broker-Dealer Firm"), we will receive fees and payments from that SDBA Broker-Dealer Firm for processing and recordkeeping services provided by us.</p> <p>We receive quarterly payments equal to 1/4th of 5 basis points (1.25 basis points per quarter), calculated based on the daily average balances of all active participant SDBA accounts, for each business day of the month during the quarter. Such quarterly payments are paid each calendar quarter in arrears. Based on 2016 reports, we estimate we received \$130,000.00 for these services in 2016, representing an average of 0.1 basis points (0.001%) of plan assets for all plans that used the SDBA service.</p>	Services Agreement
Soft Dollar Compensation	Research or other products or services, other than trade execution, provided by brokers or a third party to the investment advisor or subadvisor (if applicable) in connection with securities transactions. For those funds that use soft dollars, the benefit of such brokerage and research services accrues to the applicable fund(s). With respect to the MassMutual Premier and Select Funds, each Fund's subadvisor receives any applicable soft dollar compensation. The subadvisors to the Premier Funds are MassMutual affiliates.	Statement of Additional Information/ 120 Day Mailing
Sub-Transfer Agent (Sub-TA) Fees	These are fees we are paid pursuant to an agreement with the transfer agent of non-proprietary mutual funds that are offered on our investment platform and represent compensation we receive for providing mutual fund shareholder accounting services. Transfer agents track and record who owns how many of a mutual fund's shares. For retirement plans, the plan's recordkeeper often performs these functions instead of the transfer agent and is thus considered a sub-transfer agent and is eligible for compensation, which is a form of revenue sharing. Sub-TA fees are a form of revenue sharing when they are paid to us and are disclosed as Administrative Services Revenue.	Proposal/Cost and Revenue Disclosure
Surrender Charge	A surrender charge may apply if the plan terminates certain of our group annuity contracts. Surrender charges are typically expressed as a specified percentage of assets held in the group annuity contract and reimburse us for a portion of sales commissions we have paid but not recovered due to early contract termination. This fee is paid by the Plan Sponsor or from plan assets.	Group Annuity Contract

Revenue/Fees Received by MassMutual	Description of Revenue/Fees Received	Sponsor Disclosure
Surrender Value Make Up	If, when your plan transitioned to MassMutual, we restored a market value adjustment or surrender charge that was imposed by your prior provider, we may have temporarily imposed an, or increased your, asset charge to recover the amount restored to your impacted participants' accounts. Please check your group annuity contract or services agreement to determine if you are subject to this temporary asset charge and, if so, when it will discontinue.	Group Annuity Contract/ Services Agreement
Third-Party Customized Asset Allocation Portfolios	If your plan elects to receive third-party plan sponsor fiduciary advice services to assist in the creation of customized asset allocation portfolios, we will receive a fee based on participant account assets invested in Third-Party Customized Asset Allocation Portfolios as compensation for processing and recordkeeping services provided by us. This periodic fee will be deducted from participants' accounts.	Services Agreement
Wrap Fees	The wrap fee is calculated based on the amount of plan assets in one or more specified plan investment options. This fee may cover the direct services the customer receives with respect to such plan investment option as well as cover general plan administrative costs we incur. The fee is deducted from the plan investment option and reduces the investment performance of such option.	Group Annuity Contract/120 Day Mailing/Cost and Revenue Disclosure

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Compensation Received by Third Party	Description of Compensation	Sponsor Disclosure	Recipient of Compensation (Payee)
Commissions	We pay commissions to advisors with respect to new sales and ongoing business with MassMutual from revenue we derive from your plan, including revenue from 12b-1 fees on MassMutual's Premier and Select Investment options.	Commission Disclosure/ Cost and Revenue Disclosure	Advisor
Data Aggregation Services including Loan Approval Services and Year End Data Gathering Services	If your plan elects to receive Data Aggregation Services, then a designated third-party representative/data aggregator will receive a fee for gathering plan and participant information from legacy investment providers. This fee may be paid by the Plan Sponsor, deducted from participants' accounts or plan assets or paid from revenue we derive from your plan.	Proposal/Services Agreement	ADMIN Partners, LLC or Other
Enrollment Reimbursement	We pay third-party administrators ("TPAs") and other service providers who perform participant enrollment services, primarily at the time of plan conversion, from revenue we derive from your plan.	Proposal/ TPA Fee Disclosure	TPA and Other Third Party Enrollers
Investment Advisory and Sub-Advisory Fee	If your plan offers MassMutual Premier or Select Funds as a plan investment option, it will pay a mutual fund investment management fee. If your plan offers a guaranteed separate investment account (SAGIC or Capital Preservation Account) as a plan investment option, it will pay a separate account management fee. In either case, we will pay a portion of the remainder of that fee, net of the annual administrative services revenue that is deducted, to the advisor or sub-advisor of the fund or account. To the extent the advisor or sub-advisor is an affiliate of MassMutual – Babson Capital Management, LLC ("Babson"), Baring International Investment Limited ("Baring"), OppenheimerFunds, Inc. ("OFI") or OFI Institutional Asset Management, Inc. ("OFI Inst") – this will result in MassMutual and the affiliate's receipt of the entire amount of the difference between the investment option's annual plan cost and its annual administrative services revenue.	Prospectus/ Statement of Additional Information/ Cost and Revenue Disclosure	Mutual Fund Sub-advisor
Investment Option Expenses	For plan investment options other than the MassMutual Premier and Select Funds, the plan pays investment expenses composed of the investment management fee, administrative fees and, depending on the share class in which the plan invests 12b-1 fees, which are reflected in the mutual fund's expense ratio, to the mutual fund's investment advisor and other mutual fund service providers.	Prospectus/ Proposal/ Cost and Revenue Disclosure	Investment Manager
Marketing Allowance	We pay marketing allowances to advisors to support their marketing services, including for the development of marketing, advertising and promotional materials, the sponsoring of sales conferences and workshops, and the supervising of research reports, correspondence and lecture materials.	Services Agreement	Advisor
Non-monetary compensation	We provide non-monetary compensation to sales representatives who sell our products, including welfare plan compensation (health, vision, life and disability coverage), 401(k) plan compensation, pension plan compensation, participation at conferences we sponsor and other awards.	Services Agreement/ Proposal	Advisors, Agents, and Brokers, Sponsors
Override Payments	We pay override to general agents and other selling organizations to defray a portion of the cost of maintaining a sales force. The amount of the override is typically a percentage of the commissions earned by the selling organization's agents.	Commission Disclosure/ Form 5500	General Agents and Broker Dealers

Compensation Received by Third Party	Description of Compensation	Sponsor Disclosure	Recipient of Compensation (Payee)
Participant Investment Advisory Services Fees	If your plan elects to offer participant investment advice, your plan will pay a fee to a third-party investment advice provider. This fee may be paid by the Plan Sponsor, deducted from participants' accounts or plan assets or paid from revenue we derive from your plan.	Proposal/Services Agreement/Third Party's Sponsor Agreement and Fee Schedule	Investnet Retirement Solutions, LLC or RPA
Plan Expense Reimbursement Account (PERA) or ERISA Budget Account (EBA)	If a PERA or an EBA Account is available to your plan, then at your direction, and on your plan's behalf, we will pay third parties who provide administrative services to your plan. These payments are made from revenue we derive from your plan.	Services Agreement	Third Party Plan Service Providers
QDRO Review Services Fee	If your plan elects to receive QDRO determination and administration services, then we will pay to a third-party administrator a fee for these services. This fee may be paid by the Plan Sponsor, deducted from participants' accounts or plan assets or paid from revenue we derive from your plan.	Services Agreement	QDRO.com
Self Directed Brokerage Account (SDBA) Fees	If your plan elects to offer an SDBA investment option, the broker-dealer administering the SDBA receives a per participant fee based on usage of this investment option. This fee may be paid by the Plan Sponsor, deducted from participants' accounts or plan assets or paid from revenue we derive from your plan. Participants will also pay brokerage commissions for trades under the SDBA which are described in the brokerage agreement participants enter into with the SDBA broker-dealer.	SDBA Brokerage Agreement	State Street or Charles Schwab
Shareholder Servicing Agreement Fee	We may pay a fee to your plan's advisor for providing shareholder services to the plan on behalf of the MassMutual Premier and/or Select Funds. Services provided may include: delivering current prospectuses, reports, notices, communication and other information, and providing support services, including answering participant inquiries. We pay this fee from revenue we derive from your plan, including revenue from 12b-1 fees on MassMutual's Premier and Select investment options.	Prospectus/ Cost and Revenue Disclosure	Advisor
Sponsor Third-Party Fiduciary Partnership Services Fee	If your plan elects to receive plan sponsor fiduciary partnership services, a third-party plan fiduciary will receive a fee for providing investment advice to the plan sponsor. This fee may be paid by the Plan Sponsor, deducted from participants' accounts or plan assets or paid from revenue we derive from your plan.	Proposal/ Services Agreement	Investnet Retirement Solutions (ERS)
Sub-administrative Service Fee	We may pay a fee to your plan's advisor for providing administrative services to your plan on our behalf (e.g., plan design consulting, employee communication programs, enrollment meetings, etc.) We pay this fee from revenue we derive from your plan, including revenue from 12b-1 fees on MassMutual's Premier and Select investment options.	Services Agreement	Advisor
Trust/Custody Services Fee	A fee is paid to your plan's directed trustee or custodian for providing trustee or custodial services. This fee is paid from revenue we derive from your plan.	Trust Company Disclosure	State Street Trust Co, Reliance Trust Co or other Trustee

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: City of Billings/Yellowstone County Agreement to Provide Law Enforcement Data processing

PRESENTED BY: Bruce McCandless, City Administrator

Department: City Hall Administration

Presentation: No

PROBLEM/ISSUE STATEMENT

The City of Billings has contracted with Yellowstone County for many years to provide the Sheriff's Department with New World Public Safety access, disk storage, computer processing, program maintenance and operations to support its data processing requirements. Under an annual agreement, Information Technology bills the Sheriff's Office for the actual resources that were used in the prior calendar year. Council is being asked to approve the FY2019 agreement in the amount of \$145,734.

ALTERNATIVES ANALYZED

City Council may:

- Approve the annual agreement with Yellowstone County Sheriff's Office Department, or;
- Not approve the annual agreement.

FINANCIAL IMPACT

The annual charge for July 1, 2018 through June 30, 2019, is \$145,734. The prior year's charges were \$134,521. The increase is a result of actual usage of the Public Safety System. Information Technology is an internal service fund, whose budget is dependent on charging customers for the services that it provides.

RECOMMENDATION

Staff recommends that the City Council approve the agreement to provide FY2019 data processing services for the Yellowstone County Sheriff's Department in the amount of \$145,734.

APPROVED BY CITY ADMINISTRATOR

Attachments

Sheriff Agreement Agenda 2018-2019

AGREEMENT

This Agreement, made and entered into on _____, 20____, by and between the Yellowstone County Sheriff, hereinafter called the "SHERIFF", and the City of Billings, Montana, hereinafter called the "CITY".

WITNESSETH:

Whereas, the SHERIFF is desirous of using the CITY's Computer Facility to support their existing law enforcement data processing requirements; and

Whereas, the CITY maintains and operates a Computer Facility with appropriate capabilities, capacity and security; and

Whereas, the CITY is willing to allow the SHERIFF to have access to the Computer Facility at all normal operating times which are seven (7) days a week, twenty-four (24) hours a day except for necessary back-ups and maintenance.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS between the parties hereto, it is mutually agreed that:

1. The CITY will provide to the Yellowstone County Sheriff's department the following described computer access, disk storage, computer processing, system/data backups, and maintenance support to support their existing Law Enforcement data processing system:
 - A. Communication capabilities allowing 24 hr computer access;
 - B. On-site & Off-site disk storage shared with Billings Police Dept.;
 - C. Computer processing, program maintenance, operations to support data processing system, system replication & backups, disaster/recovery services;
2. The SHERIFF agrees to pay CITY the sum of One Hundred and Forty-five Thousand, Seven Hundred and Thirty-four (\$145,734) specified in Paragraph Three below. This charge is based on actual computer usage for the period of January 1, 2017 thru December 31, 2017.
3. This Agreement shall be in effect for twelve (12) months beginning July 1, 2018, and continuing until June 30, 2019.
4. Payment shall be made in two(2)equal installments of \$72,867.00. The first installment is due and payable on or before October 20, 2018, and the second is due and payable on or before April 15, 2019.

AGREEMENT DATED _____, 20_____.

YELLOWSTONE COUNTY

CITY OF BILLINGS

BY: [Signature]
Sheriff

Mayor

[Signature]
Chair, County Commissioners

City Clerk

ATTEST: [Signature]
Clerk and Recorder

[Signature]
City Attorney

Approved as to Form:

[Signature]
County Attorney

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: W.O. 16-05 Central Avenue, Shiloh Road to 32nd Street West -
Professional Services Contract Amendment No. 4

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

The professional services contract with DOWL for design of Work Order 16-05 Central Avenue, Shiloh Road to 32nd Street West , was approved at the December 14th, 2015, City Council meeting. Construction was bid on March 27th, 2018 and a contract was awarded by Council at the April 9th, 2018 Council meeting. This professional services contract amendment will provide for construction staking, construction inspection, construction administration services, materials testing, and design work that could be added as a result of new information from exploratory excavation surveys.

ALTERNATIVES ANALYZED

The Council may:

- Approve Professional Services Contract Amendment No. 4, in the amount of \$409,280; or
- Do not approve Professional Services Contract Amendment No. 4, which would require the city to provide construction services with existing staff, which is infeasible given current workloads.

FINANCIAL IMPACT

This Contract Amendment No. 4, is for \$409,280, and brings the total professional services contract with DOWL to \$808,050. Funding for this project is from property owner assessments, gas tax, and arterial funds. There is sufficient funding in the budget for this amendment.

RECOMMENDATION

Staff recommends that City Council approve Professional Services Contract Amendment No. 4 with DOWL, in the amount of \$409,280, for W.O. 16-05, Central Avenue, Shiloh Road to 32nd Street West.

APPROVED BY CITY ADMINISTRATOR

Attachments

Contract Amendment

AMENDMENT NO. 4

TO

CONTRACT FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES

CITY OF BILLINGS WORK ORDER 16-05,

Central Avenue (Shiloh Road to 32nd Street West) Road Improvements

THIS AGREEMENT, made and entered into on _____, 2018, by and between the following:

CITY OF BILLINGS, a Municipal Corporation,
Billings, Montana 59103,
Hereinafter designated the City

and

DOWL
222 North 32nd Street, Suite 700
Billings, Montana 59101
Hereinafter designated the Contractor

WITNESSETH:

WHEREAS, the City and Contractor have entered into a contract dated December 21st, 2015, for Contractor to provide professional services to the City for Work Order 16-05, and;

WHEREAS, the City has authority to contract for professional services, and;

WHEREAS, the Contractor represents that he is qualified to perform such services, is in compliance with Montana Statutes relating to the registration of professional engineers and is willing to furnish such services to the City;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the Parties hereto agree as follows:

Add the following to Appendix A, Section 3, Task 110 – Right-of-Way, Utilities, and Mapping

- 1) Prepare four additional right-of-way exhibits, and one easement exhibit. The original scope assumed DOWL will prepare individual right-of-way exhibits for three parcels where the City will need to add to the existing right-of-way. DOWL created a total of eight exhibits for the City.

Add the following to Appendix A, Section 3, Task 240 – Final Utility Design

- 1) Incorporate future utility service stubs to Eggebrecht property on the west end of the project per the final right-of-way agreement; including four water services, four sanitary sewer services, one water main, and one new fire hydrant. The Addition of the services include coordination with the City, a plan detail, special provisions, and construction cost estimating.
- 2) Relocate the MSU-B water meter vault. The location and grade of the proposed roundabout intersection treatment at 38th Street West conflicted with the existing water meter vault. The relocation of the water meter vault includes a field review, coordination with the City, coordination with MSUB facilities personnel, a plan detail, special provisions, and construction cost estimating.

Add the following to Appendix A, Section 3, Task 360 – Final Design Package

- 1) Incorporate future driveway access points to Eggebrecht property, Lyndes property, and the Homestead Capital property per the final right-of-way agreements. Incorporate driveway access to Shiloh Commons per approved development plans. The addition of the driveways includes updating the road corridor model, adding approach details to the plans, and construction cost estimating.

Add the following to Appendix A, Section 3

Task 600 – Construction Administration & Materials Testing

This amendment scope and the associated professional fee assume:

- One construction contract and one prime contractor for this project, with a construction contract duration of 150 calendar days. RPR time assumes 180 calendar days to cover an extended contract length or the need for two RPRs.
- Engineer shall consult with the City and act as representative for the City as defined in the construction contract documents, which will incorporate the MPWSS, and specifically the General Conditions contained therein as modified by the City of Billings Standard Modifications, latest edition.
- The extent and limitation of the duties, responsibilities, and authority of the Engineer will be as assigned in the construction contract documents and shall not be modified, except as Engineer may otherwise agree in writing.

1) Pre-Construction Services

- a. Attend a pre-construction conference, publish meeting minutes, and answer contractor questions. Conduct a pre-construction field review with the contractor as necessary.
- b. Take pre-construction photos and videos of the project areas.

- c. Attend a “Meet the Contractor” public meeting. The contractor will schedule and conduct the meeting.
- 2) Submittal Review – Review contractor's submittals, such as shop drawings, samples, equipment, mix designs, aggregates, and other data, for conformance to the contract documents. This review does not include acceptance review of any dewatering plans, and shall not extend to contractor's means, methods, techniques, sequences, procedures, or safety programs.
- 3) Inspection – Provide full-time construction observation utilizing a Resident Project Representative (RPR) to assist the Engineer in observing progress, quality of work, and conformance to the contract documents and other applicable codes and standards. One (1) full-time RPR will be on-site for 50 hours per week, 5 days a week for 26 weeks. Inspection activities will include review of all major work items in the construction documents, including traffic control set-ups and sediment and erosion control plans. The RPR will prepare daily inspection reports, daily quantity summaries, weekly progress reports, weekly workforce and equipment reports, and other reports as required. RPR responsibilities are further defined in the General Conditions contained in the City of Billings Standard Modifications, latest edition.
- 4) Quality Assurance Testing – Develop and implement a quality assurance testing plan for materials testing in accordance with the City of Billings Standard Modifications, latest edition. DOWL will conduct a pre-construction testing meeting with RPRs, field testing personnel, and lab manager to coordinate testing requirements. DOWL will provide qualified personnel, equipment, and supplies for field testing of materials throughout construction. Monitor and collect results from contractor's separate quality control materials testing program. Monitor and collect results from contractor's separate quality control materials testing program.
- 5) Construction Administration
 - a. Respond to contractor requests for information. Issue necessary clarifications and interpretations of the contract documents. Notify the City immediately of any contract problems or deviations from the approved contract documents. Issue notices as required by the construction contract. Recommend and prepare Work Change Directives and Change Orders for the City as necessary. Change orders that require additional design or construction services by Engineer will be considered Additional Services and compensated in accordance with the provisions of this Contract.
 - b. Make visits to the site at intervals appropriate to various stages of construction to observe, as an experienced and qualified design professional, the progress of the contractor's work. Visits by the Engineer shall be limited to spot checking and similar methods of general observation of the work as assisted by the RPR.
 - c. Receive, review, and transmit to City all contractor requests for City staff involvement and approvals, such as valve and hydrant operation requests, water quality sampling requests, traffic control reviews, etc. Assure required advance

notice requirements are being met by contractor for all requests to the City for reviews, inspections, operations, and testing.

- d. Review and recommend monthly contractor payment requests.
- 6) Weekly Construction Meetings – Schedule, attend and conduct a weekly construction meeting with the City and contractor. Allow up to 3 hours per week for the weekly construction meeting and any related follow-up activities.
- 7) Website & Email Updates – Prepare weekly website and email informational update content, including current project maps and work descriptions. The City will host and maintain the website, with content provided by the Engineer. The Engineer will collect email addresses from mailing and meeting responses, and disseminate the same content to the email list.
- 8) Substantial Completion Services – Conduct substantial completion and final inspections with City and Contractor. Prepare and monitor punchlist items required for completion of the work by contractor.
- 9) Project Management & Quality Assurance – Provide project management and internal quality assurance throughout this phase, which will generally follow DOWL Operational Excellence procedures.
- 10) Deliverables – The deliverables for this task include:
 - a. Pre-construction meeting minutes
 - b. Pre-construction photos and videos, upon request
 - c. Contractor submittals; electronic copy to City
 - d. Weekly RPR inspection reports, upon request
 - e. Monthly quality assurance materials testing reports, upon request
 - f. Miscellaneous construction forms, as required
 - g. Weekly website and e-mail update content

Task 700 – Construction Staking

Coordination and Management – Collect survey requests and schedule survey staff to perform work in a timely manner.

- 1) Weekly Construction Meetings – One surveyor to attend weekly construction meetings. Two (2) hours per week for the weekly construction meeting through the contract duration is assumed to cover travel, meeting time and any follow-up activities related to the meeting.
- 2) Set Preliminary Field Control – Control set for topographic survey for design will be verified. Offsets (hub and lath) to baseline will be staked once at 100-foot intervals on one side of the roadway. Baseline offsets will be placed as far away from construction activities as feasible and will show hub elevation, stationing, and appropriate finished grade cut/fills to the roadway section.

- 3) Monumentation – Street monuments have been surveyed as part of the design survey. DOWL will reset street monuments after street reconstruction, providing offsets for monument box installation. Monument boxes and brass cap encased in concrete are to be set by others. DOWL will stamp brass cap and file corner records related to the reset monuments at 36th Street, 34th Street, and 33rd Street.
- 4) Construction Staking – Provide personnel, equipment, and supplies for field staking of principal elements of the construction layout to give the contractor measurements, lines, locations, and grade necessary for construction. DOWL will stake the following construction activities once for the project.
 - a. Slope staking and street baseline staking at 50-foot intervals.
 - b. Bluetop top of subgrade at 100-foot intervals on the baseline only.
 - c. Bluetop base course at 50-foot intervals. Bluetopping will be baseline only as the curb and gutter will set the edge elevations.
 - d. Curb and gutter staking (all types) at 25-foot intervals 2-foot offset to back of curb, PCs, PTs, and critical vertical geometry.
 - e. Driveway/approach horizontal staking.
 - f. ADA Ramp horizontal staking of curves, tangents, and radius points.
 - g. Control for paving shall be provided by the Contractor.
 - h. Storm Drain – Stake manholes and inlets only, and provide temporary benchmarks adjacent to the work.
 - i. Sanitary Sewer – Stake manholes only, and provide temporary benchmarks adjacent to the work.
 - j. Water Line – Stake offset pipe centerline and provide vertical benchmark elevation, including identifying new features (valves, fittings, fire hydrants).
 - k. Electrical – stake horizontal position of poles and posts, pull boxes and service points.
 - l. Signing – Stake sign foundation location behind sidewalk by station only. Offset to be determined by others.
 - m. Pavement Marking – Provide sufficient control to complete Work. Control will be provided at beginning and end points and at transition locations. All symbols will be marked at the center of the symbol.
- 5) Deliverables – The deliverables for this task include:
 - a. Contractor Staking Requests, upon request
 - b. Survey Notes, upon request

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Stormwater Drainage, Construction, and Maintenance Easement with Billings High School District #2

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

Work Order 16-05 Central Avenue will widen Central Avenue from 32nd Street West to Shiloh Road. City staff has been negotiating with the adjacent owners for the necessary right-of-way. The needed easement was identified on the design project plans and must be acquired prior to construction. Billings High School District #2 owns the property north of Central Avenue and west of 36th Street West. The School District has agreed to grant the easement in exchange for the improvements being installed along their Central Avenue frontage. The easement will be used so that the required stormwater retention can be held in a detention pond on the School District's property. This allowance saved the project \$114,690 in stormwater mitigation infrastructure. The cost of the School District's improvements along their frontage total \$91,575.

ALTERNATIVES ANALYZED

City Council may:

- Approve the Stormwater Drainage, Construction, and Maintenance Easement with Billings High School District #2 or;
- Disapprove the easement. If not approved, an alternative water quality treatment alternative will need to be added to the project. This alternative will include approximately \$114,690 in additional construction costs.

FINANCIAL IMPACT

Billings High School District #2 is agreeable to the Stormwater Drainage, Construction, and Maintenance easement. In exchange for the easement, the project will construct the Central Avenue improvements. The cost estimate for the improvements is \$91,575. The estimated cost for additional stormwater improvements if the detention pond cannot be used is \$114,690.

RECOMMENDATION

Staff recommends that Council approve and accept the Stormwater Drainage, Construction, and Maintenance Easement with Billings High School District #2.

APPROVED BY CITY ADMINISTRATOR

Attachments

Easement

STORMWATER DRAINAGE, CONSTRUCTION AND MAINTENANCE EASEMENT AGREEMENT

This Stormwater Drainage, Construction and Maintenance Easement Agreement (this “Agreement”) is made this ____ day of _____, 2018 (the “Effective Date”), by and between Billings High School District #2, Yellowstone County, whose principal address is 415 N. 30th Street, Billings, Montana 59101 (“Grantor”) and the City of Billings, a municipal corporation, whose principal office is 210 N. 27th Street, Billings, Montana, 59103, (“Grantee”). Grantor and Grantee are sometimes referred to in this Agreement individually as “Party” and collectively as the “Parties”.

RECITALS

WHEREAS, Grantor is the owner of record of certain real property located on Tract 2A of the Amended Plat of Certificate of Survey 2547, Billings, Yellowstone County, Montana described on Exhibit A attached hereto and incorporated herein by this reference (the “Grantor’s Property”); and

WHEREAS, Grantee intends to reconstruct Central Avenue (the “Public Road”) between the intersections of 32nd Street West and Shiloh Road pursuant to W.O. 16-05 (the “Project”) which is expressly made a part hereof, as approved or to be approved by the City; and

WHEREAS, the Project requires Grantee to provide for on-site stormwater drainage infrastructure to manage stormwater discharge from the Public Road; and

WHEREAS, Grantor agrees to receive stormwater discharge from the Public Road into Grantor’s existing water retention area described on Exhibit B attached hereto and incorporated herein by this reference (the “Easement Area”); and

WHEREAS, Grantor desires to grant to Grantee a permanent nonexclusive easement for the drainage, detention, retention and outfall of stormwater discharge from the Public Road for the Project and for the construction of stormwater drainage and detention improvements (“Grantee Improvements”) to, and maintenance of, the Easement Area; and

WHEREAS, in consideration for granting the desired easement, Grantee will construct the curb, gutter, and sidewalk along Grantor's Central Avenue property frontage, pursuant to the Project's plans and specifications, at no cost to Grantor; and

NOW THEREFORE, in consideration of the matters described above, and of the mutual benefits and obligations set forth in this Agreement, the Parties agree as follows:

1. **INCORPORATION OF RECITALS.** The above recitals are hereby incorporated by reference as if set forth fully herein.
2. **POWER AND AUTHORITY OF GRANTOR.** Grantor represents and warrants that it has the full right, power and authority to enter into, deliver and perform this Agreement.
3. **GRANT OF PERMANENT STORMWATER DRAINAGE, CONSTRUCTION AND MAINTENANCE EASEMENT.** Grantor, for itself and its successors and assigns, hereby grants to Grantee, its successors and assigns, a permanent nonexclusive easement upon, under, across, and through the portion of Grantor's Property described on the attached and incorporated Exhibit A and Exhibit B (the "Easement Area"), for the drainage, detention, retention and outfall of stormwater discharge from the Public Road for the Project, and for the construction, reconstruction, repair, and maintenance of the Grantee Improvements to, and for the maintenance of, the Easement Area (the "Easement"). Grantee acknowledges that use of the Easement Area shall be shared by Grantee with Grantor, Grantor's successors and assigns and Grantee agree the volume of stormwater detention and retention from the Public Road shall not exceed the amount sufficient to accommodate the Easement Area.
4. **CONSTRUCTION OF GRANTEE IMPROVEMENTS.** Grantee may use the Easement Area for constructing and installing stormwater drainage and detention improvements pursuant to the Project's plans and specifications (the "Grantee Improvements") and any other work necessary and incident to the construction, reconstruction, and maintenance of the Grantee Improvements including but not limited to the right to: ingress and egress; temporarily place and store equipment, vehicles and materials; and to cut, and remove all trees, structures, and any other obstruction or obstacles. Grantor agrees that Grantee is entitled to the use of the fill dirt excavated from the Easement Area in connection with the preparation, excavation, construction or installation of the Grantee Improvements. If the amount of fill dirt removed from the Easement Area is in excess of the required fill dirt needed for Grantee Improvements, such excess fill dirt shall be the sole and exclusive property of Grantor. Except as in cases of emergencies, Grantee's access to the Easement Area for construction purposes shall be restricted to normal business hours. Any areas of Grantor's Property disturbed during construction of the Grantee Improvements shall be restored and landscaped to its original condition at Grantee's expense.
5. **MAINTENANCE OF EASEMENT AREA.** Grantor shall maintain the Easement Area, including the Grantee Improvements, in good condition to ensure the

functionality of the Easement. Such maintenance includes the obligation to properly maintain all surface and subsurface inlets, pipes, channels, structures, pits, vegetation and all other improvements to control the quantity and quality of the stormwater within the Easement Area. If any maintenance required by this Agreement is not performed by Grantor, Grantee may deliver a notice to Grantor setting forth the maintenance deficiencies, and Grantor shall then have ten (10) days to remedy the deficiencies, or twenty-four (24) hours in case of emergency. If the deficiencies are not remedied in a commercially reasonable fashion within the ten (10)- day period, or within such twenty-four (24)- hour period in case of emergency, Grantee shall have the right to ingress and egress upon Grantor's Property to undertake all reasonably necessary maintenance of the Easement Area to ensure the functionality of the Easement and to recover from Grantor the fees, costs and expenses incurred in connection with such maintenance.

6. **OBLIGATION OF PARTIES.** The Parties agree that neither party shall discharge into or within the Easement Area any hazardous or toxic materials or substances, any pollutants, or any other substances or materials prohibited or regulated under any federal, state or local law, ordinance, rule, regulations or permit, except in accordance with such laws, ordinances, rules, regulations and permits.
7. **TERM OF EASEMENT.** The Easement shall commence on the Effective Date of this Agreement and shall run with the land and continue in full force and effect until Grantee formally vacates it.
8. **RESERVATION BY GRANTOR/NONEXCLUSIVE USE.** All right, title and interest in and to the Easement under this Agreement which may be used and enjoyed without interfering with the rights conveyed by this Agreement are reserved to the Grantor; provided, however that Grantor shall not locate any structures which may unreasonably or materially inhibit the functional purpose of the Easement.
9. **LIMITED PUBLIC DEDICATION.** Nothing contained in this Agreement shall create or shall be deemed to create any easements or use rights in the general public or constitute a public dedication beyond the rights of the public set forth in this Agreement. Dedication of rights granted in this Agreement shall be strictly limited to stormwater drainage management purposes resulting from the Project.
10. **BENEFICIARIES OF EASEMENT RIGHTS.** The Easement set forth in this Agreement shall be for the benefit and use of Grantee, Grantor and their successors in title and assigns, and their agents, employees, consultants, representatives, contractors (and their subcontractors, employees and materials persons), licensees, guests, invitees and providers of emergency services.
11. **AMENDMENTS AND WAIVERS.** This Agreement may not be terminated or amended, modified, altered, or changed in any respect whatsoever, except by further agreement in writing duly executed by the Parties, or successor in title, and recorded in the public records of Yellowstone County, Montana.

12. **INDEMNIFICATION.** Grantee does hereby agree to defend, hold harmless and indemnify Grantor, its successors and assigns, from and against any and all claims, causes of actions, liability, loss, damage, costs and expenses (including reasonable attorney's fees) for damage to property or persons whatsoever, arising from or caused by Grantee's negligent exercise of any of Grantee's rights under this Agreement. Nothing contained herein shall be interpreted to waive any statutory or common law grant of privilege or immunity.

Grantor does hereby agree to defend, hold harmless, and indemnify Grantee, its successors and assigns, from and against any and all claims, causes of action, liability, loss, damage, costs and expenses (including attorney's fees) for damage to property or persons whatsoever, arising from or caused by Grantor's negligent maintenance or security of the Easement Area.

13. **NOTICE.** Any notice provided for or concerning this Agreement shall be in writing and shall be deemed given when sent by certified, registered mail or electronic mail to the respective address of each Party as set forth below:

To Grantor: Billings High School District #2, Yellowstone County
Superintendent
415 N. 30th Street
Billings, Montana 59101

To Grantee: Public Works
David Mumford, Director
2224 Montana Avenue
Billings, MT 59103
mumfordd@ci.billings.mt.us

14. **MISCELLANEOUS.** Except for the terms and conditions set forth in the Project's plans and specification, this Agreement contains the entire understanding of the Parties with respect to the matters set forth in this Agreement, and no other agreement, oral or written, not set forth in this Agreement shall be deemed to alter or affect the terms and conditions set forth in this Agreement. If any provision of this Agreement, or its application to any person or circumstances, shall be held invalid, inoperative or unenforceable, then the remainder of this Agreement, or the application of such provision to any other persons or circumstances, shall not be affected by such invalidity, inoperability or unenforceability; it shall not be deemed that any such invalid provision affects the consideration for this Agreement; and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. This Agreement shall be construed in accordance with the laws of Montana. Venue for any proceeding brought under this Agreement shall be Yellowstone County, Montana. In the event of any dispute under this Agreement or of any action to interpret or enforce this Agreement, any provision of this Agreement or any matter arising from this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees, costs and expenses, whether suit be brought or not, and whether in settlement, in

any declaratory action, at trial or on appeal. Nothing in this Agreement shall be construed to make the Parties to this Agreement partners or joint venturers or render either of the Parties liable for the debts or obligations of the other. This Agreement shall be binding upon and inure to the benefit of Grantor and Grantee and their respective successors and assigns.

IN WITNESS WHEREOF, the Superintendent of the Billings High School District #2, Yellowstone County has been authorized to sign on behalf of Grantor, and the Mayor of the City of Billings, been authorized to approve and accept on behalf of Grantee.

GRANTOR:

Billings High School District #2, Yellowstone County

By: _____ Date: _____, 2018
Superintendent

APPROVED FOR LEGAL CONTENT

By _____
Jeana R. Lervick, Attorney for Billings High School District #2, Yellowstone County

STATE OF MONTANA)
 : ss
County of Yellowstone)

This instrument was signed or acknowledged before me on this ____ day of _____ 2018, by _____ Superintendent for Billings High School District #2, Yellowstone County.

(Notary Signature)

(Notarial Seal)

GRANTEE:

CITY OF BILLINGS

By: _____
Mayor William A. Cole

Date: _____, 2018

APPROVED FOR LEGAL CONTENT

By _____
Brent Brooks, City Attorney

STATE OF MONTANA)

: ss

County of Yellowstone)

_____ This instrument was signed or acknowledged before me on this ____ day of _____ 2018, by William A. Cole, Mayor on behalf of the City of Billings.

(Notary Signature)

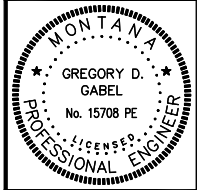
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C:\Civil 3D Projects\2014\24\21144-01\Civil\MCI4-CU-PI-SD-Central.dwg PLOT DATE 2018-3-26 15:47 SAVED DATE 2018-03-19 07:40 USER: rgueiff



GRADING POINT TABLE				
POINT #	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	555395.42	2196114.02	3238.00	POND BTM. - PT/PC
2	555371.92	2196113.91	3243.50	CATCH
3	555391.47	2196175.35	3243.45	CATCH
4	555463.75	2196182.72	3238.00	POND BTM. - PT
5	555459.55	2196198.65	3241.85	CATCH
6	555513.75	2196179.12	3239.00	CATCH
7	555553.72	2196168.96	3238.00	POND BTM. - PC
8	555583.13	2196138.86	3238.00	POND BTM. - PT
9	555592.11	2196069.58	3238.00	POND BTM. - PC
10	555571.64	2196041.74	3238.00	POND BTM. - PT
11	555525.31	2196033.62	3238.00	POND BTM. - PC
12	555509.76	2196022.77	3238.21	CATCH
13	555504.67	2196007.50	3238.00	POND BTM. - PT/PC
14	555520.23	2195980.30	3243.00	CATCH
15	555462.82	2195938.11	3242.71	CATCH
16	555409.05	2196000.68	3238.00	POND BTM. - PT/PC
17	555385.95	2195993.04	3243.97	CATCH

REV	DATE	DESCRIPTION	BY



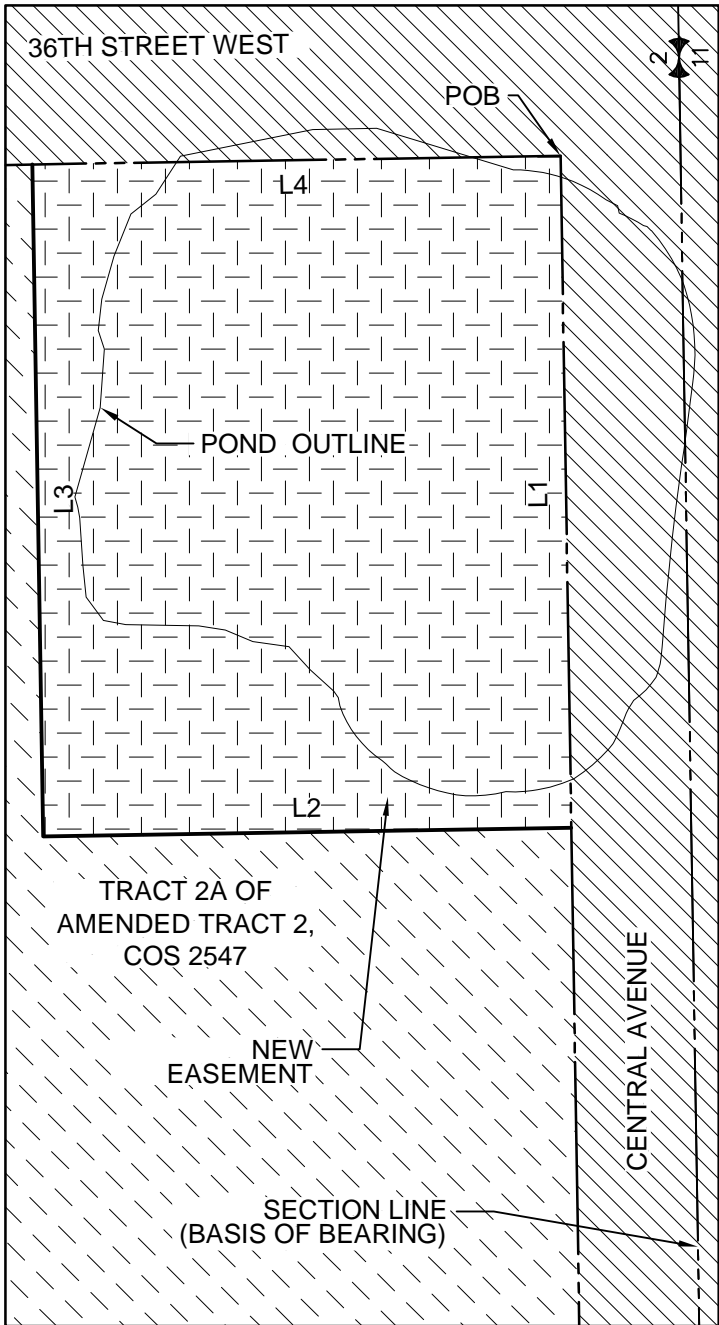
DOWL
 WWW.DOWL.COM
 222 N. 32nd Street, #700
 Billings, Montana 59101
 406-656-6399

W.O. 16-05 CENTRAL AVENUE
 BILLINGS, MONTANA
EXHIBIT A
POND GRADING DETAIL

PROJECT 4024.21144.01
 DATE 2/28/2018

© DOWL 2018
 SHEET

D10

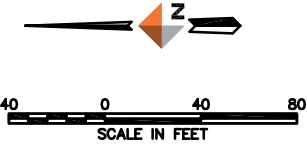


Current Owner:
School District #2

TRACT 2A
OF AMENDED TRACT 2,
COS NUMBER 2547
SEC. 2, T1S, R25E,
CITY OF BILLINGS,
YELLOWSTONE COUNTY,
MT

BASIS OF BEARING: N 89° 04' 57" E

- L1 S 89° 04' 57" W, 280.00 FEET
- L2 N 00° 57' 04" W, 220.00 FEET
- L3 N 89° 04' 57" E, 280.00 FEET
- L4 S 00° 57' 04" E, 220.00 FEET



- R/W Legend
- Existing Road Right-of-Way
 - New Easement
 - Area Remaining

TRACT 2A of Amended Tract 2, Certificate of Survey 2547 situated in the SW¹/₄ of Section 2, T1S, R25E, P.M.M, City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Yellowstone County, Montana; (document number: 3447703).

Said easement perimeter is more particularly described as:

Beginning at the Southeast corner of TRACT 2A of Amended Tract 2, Certificate of Survey 2547; Thence, from said point of beginning, S 89° 04' 57" W, 280.00 feet along the existing South property line of TRACT 2A; Thence, N 00° 57' 04" W, 220.00 feet; Thence, N 89° 04' 57" E, 280.00 feet; Thence, S 00° 57' 04" E, 220.00 feet along the existing East property line of TRACT 2A to the point of beginning, and containing 61,600 sqft., more or less.

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Supportive Housing and Re-entry Project

PRESENTED BY: Sheila Kolar, Municipal Court Judge

Department: Court

Presentation: No

PROBLEM/ISSUE STATEMENT

Billings Municipal Court has been awarded funding by the Montana Board of Crime Control to establish the Supportive Housing and Re-entry Program.

Montana Senate Bill 65 authorized the set aside of State general funds to create housing options for offenders. The purpose of the "Supportive Housing Program" is to combat homelessness and recidivism by improving access to housing for people reentering the community from the criminal justice system, or who have a criminal history.

Funds from the grant will be targeted towards offenders participating in local treatment courts, probationers, parolees, and residents of community corrections facilities. The purpose is to create a directory of rentals for offenders and to incentivize landlords to rent to offenders.

The issue before Council is whether to accept or decline these grant funds totaling \$198,065 over a one-year period expiring 06/03/2019.

ALTERNATIVES ANALYZED

City Council may:

- Accept the Supportive Housing Program grant, or;
- Do not accept the grant.

FINANCIAL IMPACT

No local matching funds are required for this grant.

RECOMMENDATION

Staff recommends that the City Council accept the \$198,065 Montana Board of Crime Control Grant and authorize City Administrator Bruce McCandless to sign all necessary documents.

APPROVED BY CITY ADMINISTRATOR

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: EBURD Tax Increment Assistance - Liberty and Vine Building -
Redevelopment, 2019 Montana Avenue

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

The Billings Industrial Revitalization District (BIRD) Board of Directors is presenting this recommendation to the City Council for allocating \$99,881.60 in tax increment finance funds (TIF) from the East Billings Urban Renewal District (EBURD) to J Bird Luv, LLC, for its Liberty and Vine development project. The property is located at 2019 Montana Avenue and funds would be used for interior demolition and construction work on the existing building, redevelopment costs associated with permitting for remodeling, frontage improvements, utilities and storm water management (See Liberty and Vine Application Attachment). If approved, the TIF funds will reimburse the applicant for the described costs for the redevelopment of the property for a mercantile store and a retail/restaurant space on the first floor, and five loft apartment units on the upper floor. The applicant plans to begin construction this spring and have much of the remodeling work completed by summer. The BIRD Board of Directors voted to support funding of this application at its meeting on February 20, 2018, under its authority per the Memorandum of Understanding between the City of Billings, Big Sky Economic Development, and the BIRD, Inc. approved by the City Council in February 2014.

ALTERNATIVES ANALYZED

The City Council is the final authority in disbursing TIF funding. The City Council may:

- Approve the recommendation from the BIRD Board for the expenditure of these TIF funds, or;
- Disapprove the recommendation from the BIRD Board for the expenditure of these TIF funds.

FINANCIAL IMPACT

The request is for a total of \$99,881.60 to be paid in one payment to J Bird Luv, LLC, for the identified work (See TIF Application Attachment). The estimated total project development cost is \$3.1 million, making the private to public investment ratio for this project about 30:1. The funds are payable when the applicant completes the entire redevelopment project. There is funding in the FY 17-18 EBURD project budget for payment of TIF assistance. This project is to start in the spring of 2018 and is likely to be completed in FY 19 (after June 30, 2018) under a new project budget cycle. The current cash balance for the EBURD is about \$1.4 million.

RECOMMENDATION

The Billings Industrial Revitalization District (BIRD) Board of Directors recommends that the City Council approve a reimbursement totaling \$99,881.60 from the EBURD tax increment finance district funds to J Bird Luv, LLC, for its Liberty and Vine redevelopment project at 2019 Montana Avenue.

APPROVED BY CITY ADMINISTRATOR

Attachments

Liberty and Vine TIF Application
EBURD Financial Worksheet and Recommendation
2019 Montana Avenue Photo

Description of Project

The project is located at 2019 Montana Avenue. It is a brick warehouse built in 1914 and originally housed Western Newspaper Printing Supply and Paper Warehouse. It is 34,820 square feet and of sound structural order. Plans include adding five loft apartments (four 2 bdrm/2 bath and one 1 bdrm/1 bath) to the upper floor, which is 6090 sq. ft.; a retail/restaurant suite facing Montana Avenue available for lease on the main floor at 982 sq. ft.; and a retail country mercantile store comprised 15,306 sq. ft. on the main floor. The country mercantile store, Liberty & Vine, will be owned and managed by both members of J Bird Luv LLC, the company that purchased 2019 Montana Avenue. The basement will be used as storage for the country mercantile store.

The loft apartments will be of a utilitarian, industrial design keeping with the integrity of the building. Priced mid to upper level, all apartments will feature stainless steel appliances, washer and dryer in each unit, an 8x12 rooftop trex deck, and quartz (or equivalent) countertops. Each unit will have a dedicated parking space.

The suite that is available for lease is just under 1000 sq. ft. and is designed so that it can be utilized as either retail or restaurant. (We are currently in talks with an interested party who is seeking space for a breakfast/luncheon bakery.)

Liberty & Vine Country Store will be a destination store; a reason for people to venture downtown, get out of their vehicles and enjoy the variety that downtown Billings has to offer. We believe that people crave more than restaurants, coffee shops and breweries when they're spending time downtown and we will help fill that need. Our property offers a paved parking lot available to the public, making it simple for customers to park, eat and shop downtown. We are within walking distance (a block and a half) from a popular eatery. Our plans include a well-lit sidewalk and parking area, security cameras, and welcoming landscape. Liberty & Vine anticipates eight FTE employees plus one full time manager and one part-time manager. We will have extended hours, capturing early hotel travelers as well as dinner-time shoppers. We will be known for our selection of Montana made goods, featuring not only clothes and jewelry, but Montana made cheeses, jerkies, groceries, and hard goods. We will specialize in both practical goods and products that make our customers linger and enjoy; a "feel good" store, creating an atmosphere of comfort and warmth. Liberty & Vine Country Store will also house an antique department, aptly named The Antique Warehouse (4800 sq ft). This benefits not only us but the other three antique stores downtown. The more antique stores that are clustered together, the more successful they all are. Antique shoppers tend to seek out antiques and they also tend to travel from shop to shop. The more antique stores there are clustered together, the more number of shoppers those stores will experience. Finally, our business is in a building that captures the shopper's attention. The old brick and the years of work that shows in its floors lends itself to our vision.

The focus of the project is to restore the warehouse to as much of its original condition as possible. The costs associated with the construction are used mostly to bring the building to code for change of use (public safety and ADA), create parking, and add residential space.



Examples of TIF-Eligible Public Infrastructure Improvements

	MCA Statue
Demolition and abatement of structures and removal of blight	7-15-4288 (2)
Relocation of residents from building to be raised	7-15-4288 (3)
Sidewalks, Curbs, Gutters	7-15-4288 (4)
Public Utilities - Water, Wastewater, Storm Water	7-15-4288 (4)
Private Utilities - Electrical, Natural Gas, Telecommunications, Fiber Optic	7-15-4288 (4)
Intersection Signals & HAWK Crossings	7-15-4288 (4)
Street & Alley Surface Improvements	7-15-4288 (4)
Crosswalks	7-15-4288 (4)
Landscaping	7-15-4288 (4)
Green Space & water ways	7-15-4288 (4)
Improvement of Pedestrian Areas	7-15-4288 (4)
Historical Restorations	7-15-4288 (4)
Off Street Parking for public use where there is a need for public parking	7-15-4288 (4)
Bridges & walkways	7-15-4288 (4)
Pollution Reduction	7-15-4288 (12)
Architect, Engineering, Surveys & Appraisals	7-15-4233(n)

Applications must be approved by CITY and a Development Agreement signed before any construction begins to qualify for maximum TIFD funds.

Allow a minimum of 60 days between submitting a complete application to the BIRD and receiving a decision from the CITY.

1. Relevance to the EBURD Master Plan – Documentation of the project’s impact in relation to the goals and objectives of the EBURD Master Plan, particularly mixed-use development. Urban design elements will also be considered, including pedestrian emphasis, quality of design, and Billings’ personality.
2. Economic Stimulus – The amount of economic activity to be generated by the project is assessed, as well as the leverage ratio of public to private investment. Applications should contain credible, measurable information substantiating APPLICANT claims of economic stimulus.
3. Tax Generation – The increase in taxable value due to new construction & rehabilitation is estimated by the County Assessor’s office or State Department of Revenue to determine tax increment generation.
4. Employment Generation – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.
5. Elimination of Blight – The project’s direct and indirect impact on the physical and fiscal deterioration within the Tax Increment Financing District and the community.
6. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need, or addresses specific BIRD or community goals. The restoration of historic property or the provision of an unmet community need, are examples of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the APPLICANT, i.e. lender participation and state and federal grant monies, are examined to assess the need for TIF assistance.
9. Project Feasibility – A determination of feasibility is made on the strength of the APPLICANT’s demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the APPLICANT’s capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.
11. Timely Completion – The feasibility of completing the project according to the APPLICANT’s project schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.



BILLINGS INDUSTRIAL REVITALIZATION DISTRICT, INC.
EBURD PROCEEDS APPLICATION

Project Name: Liberty & Vine Building _____ Date Submitted: 10/24/17 _____

APPLICANT INFORMATION

1. Name: J Bird Luv, LLC _____
2. Address: PO Box 1723, Billings, MT 59103 _____
3. Telephone Number: 406-698-5636 _____ Cell#406-839-7710 _____

PROJECT INFORMATION

1. Building Address: 2019 Montana Ave _____
2. Legal Description: See Attached _____
3. Ownership: J Bird Luv, LLC _____
Address: PO Box 1723, Billings, MT 59103 _____

4. If property is not owned by the APPLICANT, list leasehold interests (Attach evidentiary materials.)

Name: _____

Address: _____

5. Existing/Proposed Business: Country Retail Store/ Loft Apartments/ Restaurant-Retail _____
Business Description: Retail/ Residential _____

6. Employment: Existing FTE Jobs One _____

New Permanent FTE Jobs created by project Ten _____ Construction FTE Jobs Unknown _____

7. Architectural Firm: AT Architecture
- Address: 848 Main St., #7 Billings, MT 59105
- Architect: John Atkinson
8. Description of Project: See attachment
9. Rehabilitation/construction plans: Provided to Zack Dunn, Yellowstone Bank
10. Project Schedule: Demolition: October/November Construction: November-April 2018

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Landscaping/Fencing_____	\$23,560_____
2. Parking Lot_____	\$107,430_____
3. _____	\$_____
4. _____	\$_____
Subtotal	\$130,990 _____

Construction/Rehabilitation Costs (Use general construction trade divisions)

1. Remodel Main Floor_____	\$1,169,810_____
2. Loft Apartments_____	\$476,000_____
3. New Upper Roof and Insulation_	\$121,900_____
4. _____	\$_____
5. _____	\$_____
6. _____	\$_____
7. _____	\$_____
8. _____	\$_____
Subtotal	\$ 1,767,710 _____

Fees

1. Architectural/Engineering	\$ <u>75,000</u>
2. Permits _____	\$ <u>6,802</u>
3. <u>Water and Wastewater</u> _____	\$ <u>31,680</u>
Subtotal	\$ <u>111,482</u>
Total Project Development Costs	\$ <u>2,012,182</u>

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

A. Applicant Equity

Cash Invested	\$ <u>248,000</u>
Land & Buildings (if value is more than State of Montana valuation then a current appraisal must be submitted)	\$ <u>60,000</u>
Other _____	\$ _____
_____	\$ _____
A. Subtotal Applicant Equity	\$ <u>308,000</u>

B. Lender Commitments (Attach Bank Loan Commitment letter, Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
<u>Yellowstone Bank</u>	\$ <u>1,500,000</u>	<u>5.75</u> %	<u>20</u> yrs	\$ <u>10,531</u> /Month
<u>MT CDC</u>	\$ <u>900,000</u>	<u>9</u> %	<u>20</u> yrs	\$ <u>8,097</u> /Month
B. Total Loan Amount	\$ <u>2,400,000</u>			

C. TIFD request for funds for eligible public improvements.

MCA Statute
(office use only)

Demolition & abatement of structures and removal of blight	\$ 69,010.00	7-15-4288 (2)
Architecture, Permits, Survey	\$ 75,982.00	7-15-4233 (m)(n)
Private Utilities (electrical)*	\$ 114,970.00	7-15-4288 (4)
Parking Lot*	\$ 63,550.00	7-15-4288 (4)
Pollution Reduction (stormwater retention system)**	\$ 17,500.00	7-15-4288 (12)
Landscaping	\$ 23,560.00	7-15-4288 (4)
Public Utilities Water, Wastewater	\$ 29,290.00	7-15-4288 (4)
	\$ _____	
	\$ _____	
	\$ _____	
	\$ _____	

C. Subtotal TIFD Funds Requested \$ 393,862.00

D. Other Source of Funding

_____ \$ _____

Sources of Funds Summary (Post totals from above.)

A. Applicant Equity	\$ <u>308,000</u>
B. Lender Commitments	\$ <u>2,400,000</u>
C. TIFD Funds Request	\$ <u>393,862</u>
D. Other Funds	\$ _____

Total Project Financing **\$ 3,101,862**

APPLICANT STATEMENT OF QUALIFICATIONS
AND FINANCIAL RESPONSIBILITY

APPLICANT

1. Name: J Bird Luv, LLC

Address: PO Box 1723, Billings, MT 59103

2. If the APPLICANT is not an individual doing business under his/her own name, the APPLICANT has the status indicated below and is organized or operating under the laws of Montana.

3. corporation/LLC.
 nonprofit or charitable institution
 partnership known as _____
 Other (explain): _____

Date of organization: May 5, 2017

4. Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal shareholders, investors, or partners of the APPLICANT.

<u>Name and Address</u>	<u>Nature and Extent of Interest</u>
Jason Pawlowski PO Box 1723 Billings, MT 59103	Managing Member/ 50% ownership
Amy Pawlowski PO Box 1723 Billings, MT 59103	50% ownership

Financial Condition

1. Provide a current financial statement (consisting of a Balance Sheet and Profit & Loss Statement) & Current Tax Return for each private entity involved in the project. This application and all financial information become part of the public record when submitted to the BIRD and is available upon request under the State of Montana Public Information Rules.

2. Has the APPLICANT or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?

No Yes _____ If yes, give date, place, and under what name

3. Has the APPLICANT or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:

No Yes _____ if yes, give date, charge, place, court and action taken for each case.

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

Name: Hardy Construction

Address: 420 N 25th St, Billings, MT 59101

2. Has named contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?

No Yes _____ if yes, explain.

3. Attach copies of bids to application:

4. If Applicant intends to do any of the construction themselves then APPLICANT shall provide three (3) independent contractor bids which must accompany this application for the work to be provided.

CERTIFICATION

I (we), Jason T Pawlowski and Amy L Pawlowski of J Bird Luv, LLC
(please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief. I/ We certify that I/We will make no application for any other tax abatement that may be available for this real property or building.

Signature Jason Pawlowski (signed electronically) Signature Amy Pawlowski (signed electronically)

Title Managing Member/ President Title Vice President

Address PO Box 1723 Address Po Box 1723
Billings, MT 59103 Billings, MT 59103

Date 10/24/17 Date 10/24/17

A Benefit to the Public: The Parking Lot at 2019 Montana Avenue

The project at 2019 Montana Avenue includes plans for a paved parking lot on the west side of the building. The front of the lot will not be fenced and will not be posted as private or as “store designated” parking. The lot will be landscaped, well-lit, and security cameras will be installed. There are 32 stalls planned for the lot. (There is a gate to allow the property owner directly to the west of our property access to vehicles in his rear garage. It is his only source of access for vehicles.)

Part of the allure of this property is that it has ample area for the public to park. We have found there is a definite shortage of street parking and/or free parking in the downtown neighborhoods of Billings, including our neighborhood. We believe that the public will use our lot for other purposes aside from visiting the shops at 2019 Montana Avenue. The parking is free, open, well-lit and because of the proximity to other downtown destinations, we can assume the general public will take advantage of parking in this lot rather than driving around the block time and time again to find available street parking.

Aside from having ample parking during the day, our hours of operation will free up the majority of the parking lot for the general public to use in the evenings and on Sundays. Further, our hours will be extended on Friday and Saturday nights, encouraging shoppers to park, walk, dine and shop. We believe this behavior will lend to a safer, more vibrant, more people-filled Montana Avenue!

During the day, it is not unusual to find vehicles parked on the street east to 1900-2000 block of Montana Avenue. (See attached photo). During the weekends, especially during the dinner rush, vehicles are again parked in front of our building with little to no availability. Offering an option for parking will encourage more people to browse downtown and to walk the Montana Avenue neighborhood. We won't discourage this. We welcome it. The parking lot will benefit other downtown business.

The Rex (2401 Montana Avenue) parking lot is typically 100% vehicle occupied. The restaurant is currently closed and for sale. There is a prominent sign in front that warns that parking is for patrons of the Rex only. This sign is a great indicator that there is a benefit to the general public for free parking. Otherwise there wouldn't be a sign and the lot wouldn't be full on a typical day.

We could post a sign in our lot warning people that they could be towed unless they're spending money with us, similar to what other businesses downtown have done. This isn't a plan we subscribe to. It's off-putting to the general public and it can have negative impact on the business. Imagine if we towed vehicles off our lot simply because they chose to walk down the street rather than shop with us. That's not the way to go about getting customers or gaining public trust. People shopping downtown, eating downtown, and living downtown need easy, welcoming choices. We want their trust and our area of town needs to work hard to earn it.

YELLOWSTONE BANK

January 5, 2018

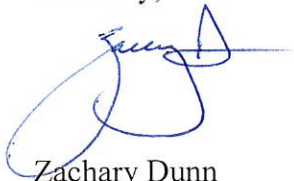
Billings Industrial Revitalization District
Attn: Tim Goodridge
1413 4th Ave N
Billings, MT 59101

RE: J Bird Luv, LLC / Jason and Amy Pawlowski

Dear Tim:

I am pleased to inform you that Yellowstone Bank has approved financing to J Bird Luv, LLC for the renovation of the commercial building located at 2019 Montana Avenue. The approved loan amount is \$1,500,000.00 which includes roughly \$500,000 as part of the original building acquisition and \$1,000,000 for the planned construction and renovation. Please contact me with any questions.

Sincerely,



Zachary Dunn
President, Billings Downtown Bank



December 22, 2017

J Bird Luv, LLC
Jason Pawlowski
Amy Pawlowski
2019 Montana Ave
Billings, MT 59101

Dear Jason and Amy:

MCDC is pleased to commit to provide J Bird Luv, LLC a twenty year term loan up to the maximum principal amount of \$900,000.00 including fees, for the sole purpose of funding construction.

The loan would be provided pursuant to commercial loan documents incorporating provisions deemed by MCDC to be customary and appropriate in transactions of this type. A summary of such provisions is set forth in the attached "Principal Terms and Conditions". If any other material business or legal issues arise prior to initial funding, such issues may cause changes or additions to the Principal Terms and Conditions and must be resolved to the satisfaction of MCDC or this commitment will become null and void. The loan documents shall contain all of the terms of the credit, and such terms shall supersede this commitment and the Principal Terms and Conditions.

If the terms outlined in the attached Principal Terms and Conditions are acceptable to you, please execute and return a copy of the Principal Terms and Conditions by facsimile (542-6671), overnight delivery, mail (229 E Main St, Missoula, MT 59802) or email (annar@mtcdc.org) to be received by MCDC on or before January 2, 2018. In the event the Borrower does not fulfill its commitment to close and fund this transaction or the conditions set forth above are not fulfilled to the complete satisfaction of MCDC on or before January 11, 2018, MCDC may elect not to proceed with this transaction upon notice to the borrower.

This commitment is for your benefit only. It is not assignable and may not be disclosed to nor relied upon by any third party without the prior written approval of MCDC.

We at MCDC appreciate your business and look forward to this new opportunity.

Sincerely,

Diana Anyango
Loan Processor

T 406.728.9234
F 406.542.6671
mtcdc.org


MISSOULA
229 E. Main St.
Missoula, MT 59802

BOZEMAN
222 E. Main St., Ste. 202
Bozeman, MT 59715

Principal Terms and Conditions

Borrower:	J Bird Luv, LLC
Loan Type:	Draw down
Loan Amount:	\$900,000
Loan Term:	20 years
Payment Terms:	2 years interest only followed by 18 years fully amortized
Interest Rate:	9.00%
Estimated closing costs:	\$5,361
Packaging Fee:	\$21,922
Prepayment Penalty:	None
Collateral:	2nd lien position on 3520 Masterson Circle, Billings MT
	3rd lien position on 1135/1137 Parkhill, Billings, MT
	2nd lien position on 1316 O'Malley, Billings, MT
	2nd lien position on 1704 Mile Ave, Billings, MT
	2nd lien position on 2019 Montana Ave, Billings, MT
	All business assets
Guarantors:	Amy & Jason Inc
	Jason T Pawlowski
	Amy L Pawlowski
Warranties and Covenants:	Loan documentation will include, without limitation, standard Montana CDC warranties and covenants pertaining to accuracy of information; organization; capital adequacy; change in control; material litigation; business activities & use of proceeds; compliance with laws; restrictions on indebtedness, liens and contingent liabilities; payment of taxes; environmental matters; maintenance of insurance; lender's loss payee; financial reporting; inspection of properties and records
Additional warranties, representations, and covenants:	The borrower and any guarantors represent that they are not in violation or breach of any current agreement with a third party and are not currently involved in litigation.
	The Borrower represents that it is a legal entity in good standing and does not have prior liens, judgments, or bankruptcies that it has not disclosed.
	Copy of life insurance policy face pages
Conditions Precedent to Closing:	Business Asset Insurance with MICDC listed as lenders loss payee
	Residential property insurance with MICDC listed as 2nd mortgagee on property located at: 3520 Masterson Circle, Billings, MT
	Residential property insurance with MICDC listed as 3rd mortgagee on property located at: 1135/1137 Parkhill, Billings, MT
	Residential property insurance with MICDC listed as 2nd mortgagee on property located at: 1704 Mile Ave, Billings, MT
	Residential property insurance with MICDC listed as 2nd mortgagee on property located at: 1316 O'Malley, Billings, MT
	Commercial property insurance with MICDC listed as 2nd mortgagee on property located at: 2019 Montana Ave, Billings, MT
	Title Insurance with MICDC in 2nd lien position on 3520 Masterson Circle, Billings, MT
	Title Insurance with MICDC in 3rd lien position on 1135/1137 Parkhill, Billings, MT
	Title Insurance with MICDC in 2nd lien position on 1704 Mile Ave, Billings, MT
	Title Insurance with MICDC in 2nd lien position on 3520 Masterson Circle, Billings, MT
	Title Insurance with MICDC in 2nd lien position on 3520 Masterson Circle, Billings, MT
	Registration of Liberty & Vine assumed business name with the Secretary of State
	Submission of Bylaws for Amy & Jason, Inc
	Submission of operating agreements for J Bird Luv, LLC
	No additional debt without the approval of MICDC
	If TIF funds are received, they will be applied to MICDC's loan
	Disbursement through title with Yellowstone Bank handling the draws
	No IRA or other retirement dispersions without MICDC approval.
	Yellowstone Bank approval and closing

Principal Terms and Conditions

	Copies of driver's licenses for all loan signers
	Submission of account information or voided check for ACH payment processing for borrower
	All guarantors will provide a copy of the prior year's individual federal tax return by no later than April 30 th for the life of the loan.
	All business entities will provide a copy of the prior year's associated business taxes by no later than April 30 th for the life of the loan.
	All guarantors will provide an updated personal financial statement by no later than January 31 st for the life of the loan.
	All business entities will provide a copy of the prior year's internally prepared profit and loss statement and balance sheet by no later than January 31 st for the life of the loan.
	All above documentation for loan closing must be received by January 2, 2018 or MICDC may elect not to proceed with this transaction upon notice to the borrower.
	Confirmation that the borrower, co-borrower, and guarantors have had no material adverse changes to financial condition, collateral, property, or in any other matters which MICDC analyzed in conjunction with this credit request, including, without limitation, no change in the structure of the transaction initially presented and agreed upon by MICDC.
Timelines:	Signed term sheet from the borrower by January 2, 2018 and closing no later than January 11, 2018.
Agreed to:	<p>J Bird Luv, LLC</p> <p>_____</p> <p>Jason T Pawlowski, Member</p> <p>_____</p> <p>Amy L Pawlowski, Member</p>
Guarantors:	<p>Amy & Jason, Inc</p> <p>_____</p> <p>Amy L Pawlowski, President</p> <p>_____</p> <p>Jason T Pawlowski, Vice President</p> <p>_____</p> <p>Jason T Pawlowski, Individually</p> <p>_____</p> <p>Amy L Pawlowski, Individually</p> <p>Montana Community Development Corporation</p> <p> _____</p> <p>Diana Anyango Loan Processor</p>

HARDY CONSTRUCTION CO.

SCHEDULE OF VALUES

2019 MONTANA AVE BUILDING RENNOVATION

	TOTAL
1 GENERAL CONDITIONS	\$28,760
2 FINAL CLEAN	\$4,040
3 SITEWORK	\$121,990
4 LANDSCAPING AND FENCING	\$23,560
5 DEMOLITION	\$69,010
6 CONCRETE AND REINFORCEMENT	\$52,380
7 MASONRY	\$71,460
8 STEEL - MISC. AND STRUCTURAL - SUPPLY AND INSTALL	\$189,660
9 ROUGH CARPENTRY - INCLUDING FRAMING	\$106,500
10 FINISH CARPENTRY - INCLUDING CASEWORK, MILLWORK, & METAL SIDING	\$42,150
11 DOORS, FRAMES AND HARDWARE	\$12,430
12 ALUMINUM STOREFRONT AND WINDOWS	\$30,850
13 OVERHEAD DOORS	\$6,130
14 ROOFING	\$2,850
15 INSULATION	\$7,100
16 DRYALL - HANG AND TAPE	\$37,910
17 PAINTING	\$60,690
18 CAULKING AND FIRE STOP	\$3,940
19 FLOORING AND CONCRETE SEALER	\$14,230
20 ACOUSTICAL CEILING TILE	\$1,180
21 SPECIALTIES	\$64,180
22 ADA LIFT	\$30,350
23 PLUMBING	\$49,940
24 FIRE SUPPRESSION	\$26,580
25 HVAC	\$95,160
26 ELECTRICAL	\$114,970
27 ALTERNATE 1 - ADD UPPER ROOF INSULATION AND MEMBRANE	\$121,900
28 ALTERNATE 2 - BUILD OUT LOFTS	\$474,000
29 ALTERNATE 3 - 5 WINDOWS ON MAIN FLOOR	\$13,400
30 ALTERNATE 4 - ACCOUSTIC WINDOWS	\$2,000
31 ALTERNATE 5 - NEW GLASS OH DOORS	\$10,200
32 ALTERNATE 6 - CONCRETE STAIN	\$9,200
	\$1,898,700
ALTERNATE 7 -DEDUCT THE PARKING LOT	(\$107,430)

2019 Montana Ave Cost Breakout



Contact: Justin Biehl

Phone: 406-855-0171

Fax: 406-256-7058

Quote To: Hardy Construction

Item	Description	Quantity	Unit	Amount
1	Boulder Pit	1	LS	\$17,500
2	Parking Lot	1	LS	\$63,550
3	Stairs	1	LS	\$11,750
4	Sidewalk	1	LS	\$12,450
5	Water Service	1	LS	\$12,000
Grand Total:				\$117,250.00

Clarifications:

- Any change made to the design of the structure or performance of this bid outside of the scope of work known to us on the date of this document is subject to a change in bid price in the form of a change order. We reserve the right to stop work until any such issues related to the change are resolved.
- We reserve the right to assess a finance charge in the amount of 1.5% per month for any and all late payments.
- Estimate is good for 30 days.
- See original bid proposal for clarifications

Thank you,

Zachry Cayton
Vice President
Cayton Excavation, Inc.



Yellowstone County, Montana

[Commissioners](#) [Departments](#) [Contacts](#) [Site Map](#) [Home](#)

Disclaimer: Not all fields are currently maintained. The [accuracy of the data is not guaranteed](#). Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

Owner Information

***Please Note:** Owner information is supplied by the Montana Department of Revenue. To request updates to addresses or other ownership information, please contact the DOR office at [896-4000](tel:896-4000). Records for the current year will **not** be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax ID: A00849

Primary Party

Primary Owner Name: J BIRD LUV LLC

2017 Mailing Address: J BIRD LUV LLC

PO BOX 1723

BILLINGS, MT 59103-1723

Property Address: 2019 MONTANA AVE

Township: 01 N Range: 26 E Section: 33

Subdivision: BILLINGS ORIGINAL TOWNSITE Block: 116 Lot: 9

BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK

Full Legal: 116, Lot 9, LT 9 (EXCEPT 160 SQ FT) LTS 10-12 30' X 130'

ABDN N 21ST ST ADJ TO LT 12

GeoCode: 03-1033-33-3-15-04-0000

[Show on Map](#) (May not work for some newer properties.)

Property Assessment Information

Levy District:

Assessed Value Summary

Assessed Land Value = \$ 113,543.00

Assessed Building(s) Value = \$ 784,857.00

Total Assessed Value = \$ 898,400.00

Assessed Value Detail Tax Year: 2017

Class Code	Amount
2207 - Commercial City or Town Lots	= \$ 113,543.00
3507 - Improvements on Commercial City or Town Lots	= \$ 784,857.00

Total = \$ 898,400.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at [406-896-4000](tel:406-896-4000).

City of Billings SID Payoff Information

Contact the City of Billings for SID pay off information

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2000	2,738.78 P	2,738.78 P	5,477.56
2001	3,033.08 P	3,033.08 P	6,066.16
2002	3,527.69 P	3,527.69 P	7,055.38
2003	3,435.73 P	3,435.72 P	6,871.45
2004	3,790.79 P	3,790.78 P	7,581.57
2005	4,006.84 P	4,006.84 P	8,013.68
2006	4,089.61 P	4,089.60 P	8,179.21
2007	4,309.67 P	4,309.67 P	8,619.34
2008	4,494.28 P	4,494.27 P	8,988.55
2009	4,765.31 P	4,765.29 P	9,530.60
2010	4,928.88 P	4,928.85 P	9,857.73
2011	5,021.72 P	5,021.71 P	10,043.43
2012	4,211.61 P	4,211.60 P	8,423.21
2013	4,353.12 P	4,353.10 P	8,706.22
2014	4,489.94 P	4,489.93 P	8,979.87
2015	5,221.77 P	5,221.75 P	10,443.52
2016	5,406.65 P	5,406.62 P	10,813.27

(P) indicates paid taxes.

Click on year for detail. [Pay Taxes Online](#)

Jurisdictional Information

Commissioner Dist: 2 - Denis Pitman (R)	School Attendance Areas
Senate: 24 - Mary McNally (D)	High: SENIOR
House: 47 - Katharin A. Kelker (D)	Middle: RIVERSIDE
Ward: 1 (BILLINGS)	Elem: MCKINLEY

[Brent Cromley](#)

[Mike Yakawich](#)

Precinct: 47.1

Zoning: East Billings Railspur Village
Main St

[Click Here to view Billings](#)

EAST BILLINGS URBAN RENEWAL DISTRICT (EBURD)

1/8/2018

Billings Industrial Revitalization District (BIRD) Recommended Assistance
<p>Project: Liberty & Vine Building - 2019 Montana Ave. Billings, MT 59101 Tax parcel: A00842; A00849</p> <p>Renovation and reconstruction of vacant former paper warehouse on Montana Ave. Property will house a country mercantile store, restaurant & 5 residential apartments</p>

Eligible Public Improvements	Requested	Recommended	MCA Statute
Demolition an abatement of structures and removal of blight	69,010.00	20,703.00	7-15-4288 (2)
Architecture, Permits, Survey	75,982.00	22,794.60	7-15-4233 (m)(n)
Private Utilities (electrical)*	114,970.00	22,994.00	7-15-4288 (4)
Parking lot *	63,550.00	-	7-15-4288 (4)
Pollution Reduction (stormwater retention system)**	17,500.00	12,250.00	7-15-4288 (12)
Landscaping	23,560.00	9,424.00	7-15-4288 (4)
Public Utilities Water, Wastewater	29,290.00	11,716.00	7-15-4288 (4)
TOTAL	393,862.00	99,881.60	

Current taxable value	985,573.00
Projected taxable value on completion	2,700,000.00
value added	1,714,427.00
estimated annual increment generated	17,144.27
multiplied by remaining TIF years (25)	428,606.75




Public Benefit:

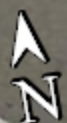
This project correlates with the EBURD Master Plan by providing new work-force housing within the district, tax generation, economic stimulus, employment and the resurrection of a vacant non-performing building

2019 Montana Ave

Write a description for your map.

Legend

-  2019 Montana Ave
-  Executive Cleaning Co., Inc.
-  Montana Leather Co



Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Approval of Resolution for Distribution of Bridge and Road Safety and Accountability Program Funds

PRESENTED BY: David Mumford, Public Works Director

Department: Public Works

Presentation: No

PROBLEM/ISSUE STATEMENT

In 2017, the Montana State Legislature passed House Bill 473 to increase the fuel tax and fund highway and local road projects with the new revenue. The Montana Department of Transportation must allocate Bridge and Road Safety and Accountability (BaRSaA) funds to each city, town, county, and consolidated city-county government in Montana by March 1 of each year. The City of Billings BaRSaA allocation for 2018 is \$655,684.20 and is based on a partial year as the new fuel tax was not effective until July 1, 2017. A match of \$1 of local government funds for each \$20 of BaRSaA funds requested is required and requests for distribution of the allocation must be made to the Montana Department of Transportation between March 1 and November 1 of the year the funds were allocated. The 2018 distribution will be used to offset a portion of the costs of the 2018 street overlay and crackseal projects. Arterial construction fees of \$25,000 and street maintenance district assessments of \$7,784.21 will be used as the local match. An amount equal to the 2018 BaRSaA allocation of \$655,684.20 will be held in a gas tax cash reserve account for the future construction of the inner belt loop which is scheduled for construction in FY 2022 per the FY 2019 - FY 2023 capital improvement plan approved by City Council.

ALTERNATIVES ANALYZED

City Council may:

- Approve the resolution requesting distribution of Bridge and Road Safety and Accountability program funds in the amount of \$655,684.20 or;
- Not approve the resolution requesting distribution of the Bridge and Road Safety and Accountability program funds.

FINANCIAL IMPACT

The 2018 BaRSaA distribution in the amount of \$655,684.20 requires a local match of \$32,784.21. The City would fail to benefit from the additional \$655,684.20 allocated gas tax revenue if the distribution is not requested before November 1, 2018.

RECOMMENDATION

Staff recommends that the City Council approve the resolution for the 2018 distribution of Bridge and Road Safety and Accountability program funds in the amount of \$655,684.20.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution
Appendix A

RESOLUTION 18-

**A RESOLUTION REQUESTING DISTRIBUTION OF
BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS**

WHEREAS, the Bridge and Road Safety and Accountability Account created by HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, a description of the projects to be funded are detailed in Appendix A; and,

WHEREAS, the local match for the allocated funds has been budgeted from Street Maintenance District Assessments and Arterial Construction Fees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. That the City of Billings requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified in Appendix A.

2. That Jennifer Duray, CPA, the Public Works Finance Manager of the City of Billings is hereby authorized to execute such further documents as may be necessary to facilitate the distribution of said funds on behalf of the City of Billings.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on this 23rd day of April, 2018.

CITY OF BILLINGS

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

Description of Project to be Funded With Bridge and Road Safety and Accountability (BARSAA) Program

Appendix A

Description of Projects

2018 City Overlay – This project will provide an overlay on approximately 1.5 miles of 24th Street West and Central Avenue.

2018 City Chip Seal– This project will provide chip seal resurfacing on approximately 7 miles of streets in the Briarwood and Cedar Park areas.

Estimated Project Budgets and BARSAA Allocation

	BARSAA Program Funds	<u>Match</u> (Arterial Construction Fees)	<u>Match</u> (Street Maintenance District Assessments)	Other Local Funds	Total Project Cost
2018 City Overlay	\$ 500,000.00	\$ 25,000.00	\$ -	\$ 740,099.40	\$ 1,265,099.40
2018 City Crackseal	\$ 155,684.20	\$ -	\$ 7,784.21	\$ 476,375.85	\$ 639,844.26
Total	\$ 655,684.20	\$ 25,000.00	\$ 7,784.21	\$ 1,216,475.25	\$ 1,904,943.66

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Silver Creek Estates Subdivision, 2nd Filing - Preliminary Major Plat

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: No

PROBLEM/ISSUE STATEMENT

On February 1, 2018, KLJ Engineering for Boyer Land, LLC, applied for preliminary major plat approval for Silver Creek Estates Subdivision, 2nd Filing. The proposed subdivision would create 68 lots from a single lot. The subject property is generally located on the east side of 50th Street West and south of Rimrock Road. The property is zoned Residential 7000, (R-70) and Residential 6000 (R-60). Currently the property is farmland. The Yellowstone County Board of Planning reviewed the plat on March 13, 2018 and conducted a public hearing on March 27, 2018. The Board recommends conditional approval of the preliminary plat.

ALTERNATIVES ANALYZED

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed plat ends on April 27, 2018. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

VARIANCES REQUESTED

No variance has been requested.

PROCEDURAL HISTORY

- A pre-application meeting was held on October 26, 2017 to discuss the proposal.
- The preliminary plat application was submitted to the Planning Division on February 1, 2018.
- A departmental review meeting was conducted on February 15, 2018.
- The preliminary plat was resubmitted with revisions based on department reviews on February 22, 2018.
- The Planning Board reviewed the plat on March 13, 2018.
- The Planning Board conducted a public hearing on March 27, 2018, and forward a recommendation of conditional approval to the City Council.
- The City Council will consider the preliminary plat on April 23, 2018.
- The 60 working-day preliminary plat review period ends April 27, 2018.

PLAT INFORMATION

General location: East side of 50th Street West and south of Rimrock Road
Legal Description: Lot 1, Block 3A, Silver Creek Estates Subdivision, Amended
Subdivider/Owner: Boyer Land, LLC
Engineer and Surveyor: KLJ Engineering
Existing Zoning: R-70 and R-60
Existing land use: Vacant Land
Proposed land use: Residential
Gross and Net area: 27.4 acres / 23.0 acres
Proposed number of lots: 68
Lot size: Max: 110,000 square feet
Min.: 11,000 square feet
Parkland requirements: Parkland dedication met with previous filings.

STAKEHOLDERS

Staff gave a brief presentation about the proposed subdivision. Forrest Sanderson of KLJ Engineering stated that the applicant was happy with the outcome of the staff recommendation and was in agreement with the proposed conditions of approval. Mr. Sanderson then stated he would like to address concerns raised during the plat review about traffic. He stated that the new layout of the subdivision actually reduced the traffic counts of the previously reviewed TIS and there would be less traffic to deal with when the subdivision was built out. He explained that the development will make contributions to the City for possible future improvements to intersections around this subdivision. These contributions are explained in the Subdivision Improvements Agreement. He also stated the TIS found traffic counts related to the development did not meet warrants that would require major upgrades to surrounding intersections.

Vice President Woody Woods thanked Mr. Sanderson for the explanation on the traffic impacts to the area. Vice President Woods asked if there were any question from the board regarding the proposed subdivision. Board Member Williams asked if basements are allowed on the lower lots adjacent to the ditch. Mr. Sanderson said groundwater will be a factor and a geotechnical investigation will be done with each lot with the building permit process. It was also clarified the Subdivision Improvements Agreement references geotechnical reports that were previously submitted to the City in Section II. Conditions that Run with the Land.

FINANCIAL IMPACT

If the City Council approves the preliminary plat, the subject property may further develop under private ownership, resulting in additional tax revenues.

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing to the City Council, and adoption of the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

1. To minimize the effects on local services and ensure public safety, prior to final plat approval and prior to installation of any infrastructure the applicant will provide the City of Billings Engineering Division with installation and maintenance plans for the water, sewer and

stormwater systems for review and approval.

2. To provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
3. To provide for proper addressing, prior to final plat approval the applicant will provide street names for the two streets running north and south between Silver Creek Trail and Blue Mountain Trail on the proposed plat.
4. To ensure public health and safety and provide for the maintenance and continued use of the High Ditch by the City of Billings for drainage purposes, prior to final plat approval a ditch easement agreement between Boyer Land LLC and High Ditch Company (District) shall name the City of Billings as a third party. The easement agreement shall:
 - State the District grants the City first right of refusal to accept transfer of ownership of the District's facilities and title, if applicable.
 - Include language pertaining to the property owners within the subdivision to continue to meet the Subdivision Improvements Agreement pertaining to the ditch.
 - Allow the City to utilize the easement for the public good and not restrict it to stormwater collection and discharge.
 - Include easement boundaries as approved by the District. The easement document must be either written or reviewed by an attorney familiar with property law and transfers.
5. To ensure understanding of the use of the High Ditch easement, prior to final plat approval the applicant in the SIA under the heading VIII. Irrigation shall outline the requirements of the easement document for the High Ditch and how it is used and the City of Billings involvement with the ditch.
6. To minimize impacts on local services, prior to final plat approval centralized mail delivery site(s) shall be coordinated and identified and a letter from USPS shall be provided for verification.
7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
8. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

APPROVED BY CITY ADMINISTRATOR

Attachments

Findings of Fact
Proposed Plat
SIA
Mayors Letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608(3)(a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property is used for agriculture and the High Ditch runs along the southern boundary. There is another ditch just above the northern boundary of the subdivision, called the Cove Ditch. The proposed subdivision will not have an impact on existing agricultural areas because it was previously platted and this proposed subdivision will re-plat the land. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

2. Effect on local services

- a. **Utilities** – Water service will be provided by the City of Billings. There are existing water lines located in Silver Creek Trail, east of the proposed subdivision. There is another existing water main in Gold Creek Trail near the north east corner of the proposed subdivision. New water services shall be installed in the streets and there will be a stub into each proposed lot for future homes to connect into the water line. Proposed water mainline installation will be reviewed and approved by City of Billings Engineering prior to installation (**Condition #1**).

Sanitary sewer service will be provided by connecting to an existing sewer main located in Silver Creek Trail, east of the proposed subdivision. There is another existing sewer main in Gold Creek Trail near the north east corner of the proposed subdivision. There is also one in 50th Street West located near the south east corner of the proposed subdivision. New sewer services shall be installed in the streets and there will be a stub into each proposed lot for future homes to connect into the sewer line. Proposed sewer mainline installation will be reviewed and approved by City of Billings Engineering prior to installation (**Condition #1**).

MDU will provide gas services, and Northwestern Energy will provide electric services to the subdivision. Both utilities are asking for easements along the front property line. Easements shall be shown on the face of the final plat that are acceptable to these utility providers (**Condition #2**).

- b. **Storm water** – The applicant is proposing to collect storm water and direct it with the use of streets, gutters and storm drains to get it to detention facilities within the subdivision. The proposed systems will be required to be outlined in a

Stormwater Management report submitted to the City of Billings Engineering Department for review and approval. The detention ponds proposed in the subdivision shall be maintained by the Home Owner Association (HOA). There will be an Operation and Maintenance manual prepared by the applicants' agent that will be reviewed and approved by the City of Billings Engineering Department. The applicant will provide an easement over the entire drainage system with the City of Billings as the benefitted party. Should the HOA fail to maintain the drainage system the city would have the right to repair the system and create an SID in the subdivision to cover the cost of the repair (**Condition #1**). This is referred to in the SIA under V. Storm Drainage. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the Engineering Department.

- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- d. **Streets** – The proposed subdivision will have access from Gold Creek Trail and Silver Creek Trail from the original filing of Silver Creek Estates Subdivision. Blue Mountain Trail and two other new streets yet to be named shall provide access to all lots within the proposed subdivision (**Condition #3**). Gold Creek Trail will connect to 50th Street West. This filing will connect to the original filing which provides access on Elk Ridge Trail and Silver Creek Trail out to 46th Street West. All new streets will be within a 56-foot-wide right-of-way built to a 34-foot width from back of curb to back of curb. The applicant is responsible for a portion of the construction of 50th Street West and will work with City of Billings Engineering to build their required portion from Gold Creek Trail to the north boundary of the Silver Creek Estates Subdivision. The subdivision is required to construct boulevard sidewalks. Sidewalks will be installed with the development of each lot. The applicant will install all required sidewalks and ramps at the intersections of the subdivision. The applicant will also build a sidewalk on the north edge of lot 27 at the time of street construction that connects to the future 50th Street West.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. This property is serviced by Fire Station #7 which is located at 1501 54th Street West. The subdivision is located within the ambulance service area of American Medical Response.
- f. **Schools** – School District #2 provides educational services from elementary through high school. School District #2 Administration states that Boulder Elementary School, Ben Steele Middle School, and West High School will serve the children in this subdivision. School District #2 Administration indicated that Boulder Elementary is under capacity with Ben Steele Middle School and West High School both over maximum capacity at this time.

- g. **Parks and Recreation** – Parkland dedication requirements for this subdivision were met with the previous filing of the original Silver Creek Estates Subdivision. The Parks Maintenance District (PMD) will be expanded to include the new lots within this subdivision.
- h. **Irrigation Ditches** – This proposed subdivision has two ditches near it, one on the north and one on the south. The one to the north, Cove Ditch, is not within this filings boundaries. The ditch to the south, High Ditch, is within this filings boundaries. On the face of the plat, the applicant is showing an existing 10-foot-wide easement for maintenance along the north edge of the High Ditch. The easement document number is 3749073. The applicant is providing an additional 10 feet to that easement for a total of a 20-foot-wide maintenance easement. A new easement document for the entire 20-foot easement shall be submitted with the final plat. In that easement document, the applicant will show that the easement is for the benefit of the High Ditch Company for maintenance. An agreement for the use of this ditch by the City of Billings for stormwater management is currently in place with the High Ditch Company. The easement document will also include language that will provide, in the future, for the City of Billings to be able to continue use of the ditch for drainage purposes should the High Ditch determine to no longer maintain ownership of the ditch (**Condition #4**). This information shall also be addressed in the SIA (**Condition #5**).
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has requested central delivery site with boxes to serve the new houses. It is recommended as a condition of approval that the developer obtain a letter from the USPS approving the location of the new centralized mail box site(s) prior to final plat approval (**Condition #6**).

3. Effect on the natural environment

The subject property has been planned for urban development since its original platting in August of 2015. This land has been used for active farming in the recent past. The subject property is farm land and is not a significant habitat for wildlife. Montana Fish Wildlife and Parks indicates there is some antelope and deer grazing that takes place but not a significant amount. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer and antelope in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There will be no impacts to public health, safety and welfare as a result of this subdivision. The subdivision is located in an area with no known natural hazards.

B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-302.H.1.]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan Update? [BMCC 23-302.H.4.]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Essential Investments (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective (p. 6).
- b. **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).
- c. **Mobility and Access (transportation choices in places where goods and services are accessible to all):** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings (p. 9).

2. 2014 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2014 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

3. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The nearest identified bike trail is along the Cove Ditch to the north of the subject property. No new improvements will be required with this subdivision to meet the Trail Plan recommendations.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located in R-70 and R-60 zoning. All development shall comply with the standards set forth in Section 27-308, BMCC. Final zoning compliance will be determined at the time of the building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-302.H.3.b.]

Easements for utilities will be shown on the final plat as requested by all utility providers.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-302.H.3.c.]

Access to the subdivision will be from Silver Creek Trail and Golden Creek Trail through the original filing of Silver Creek Estates Subdivision. The proposed plat does provide legal and physical access to each lot.

CONCLUSIONS OF FINDING OF FACT

- The preliminary plat of Silver Creek Estates Subdivision, 2nd Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the 2014 Transportation Map or BABTMP Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

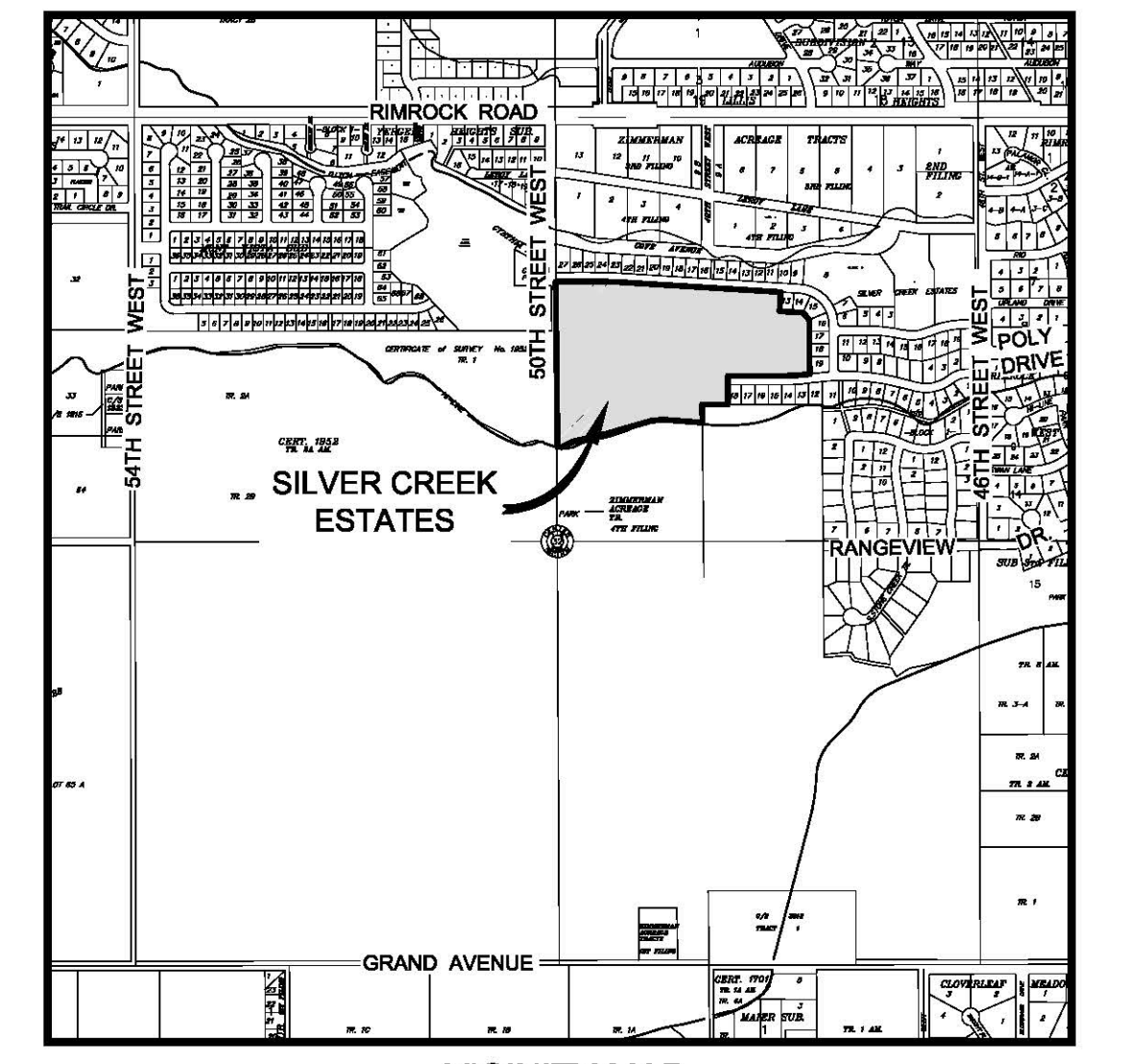
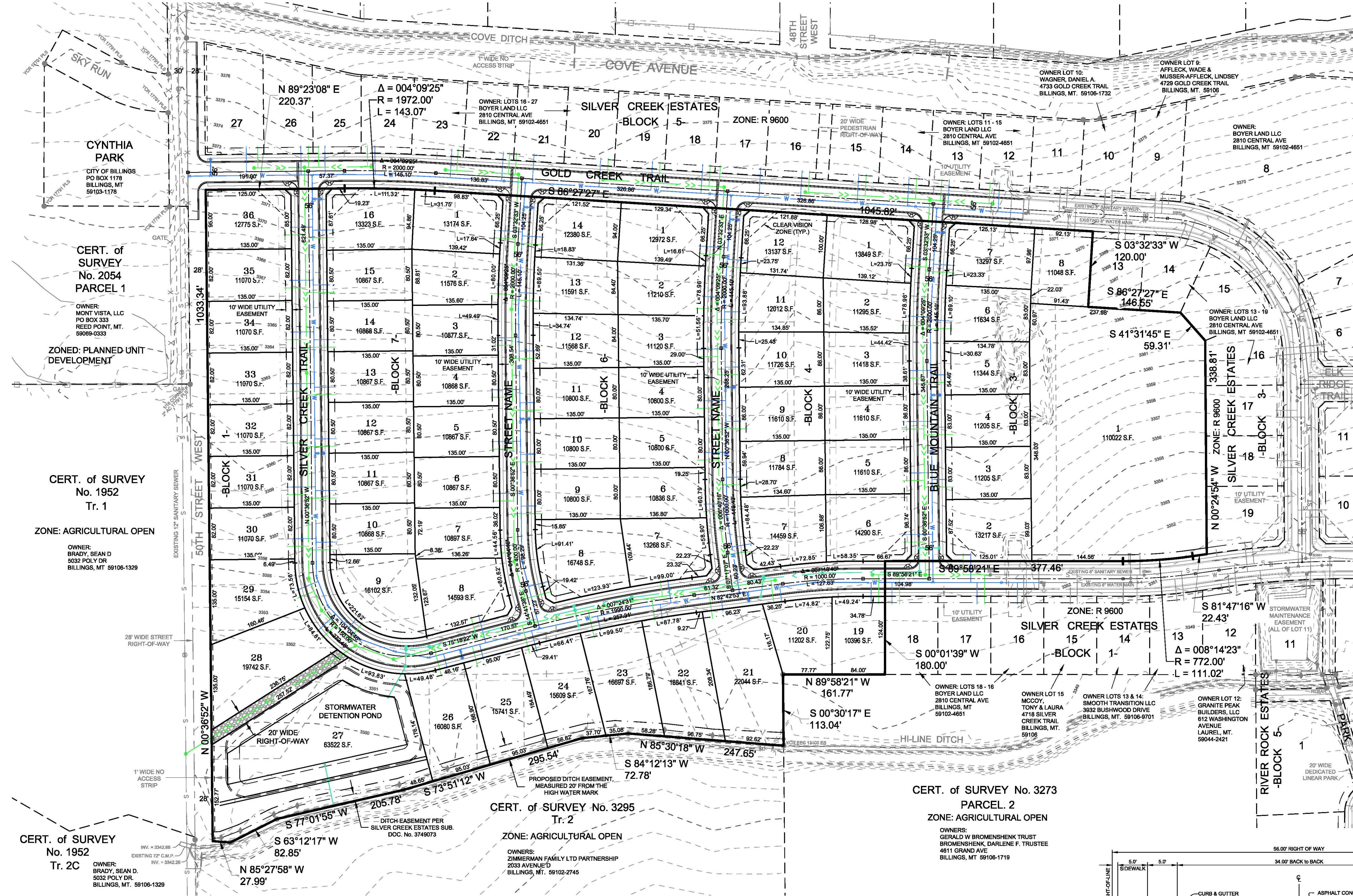
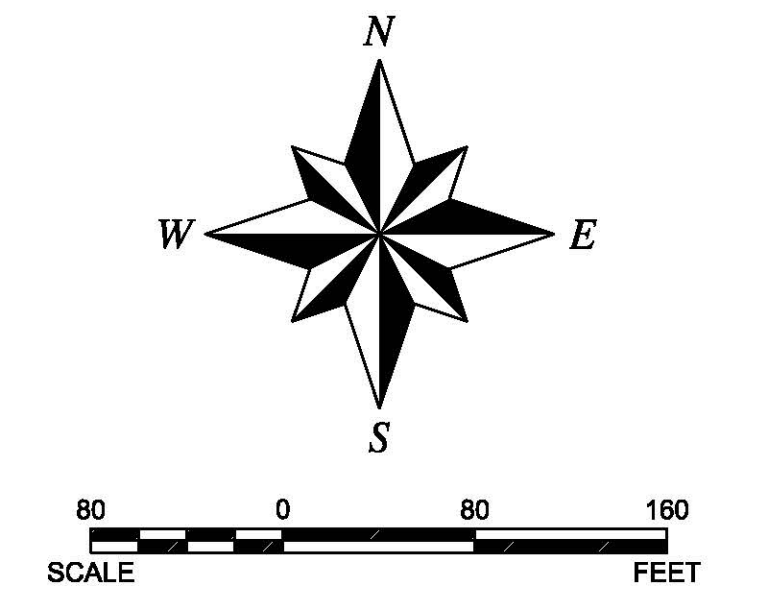
The Planning Board is forwarding a recommendation of conditional approval of the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, April 23, 2018

William A. Cole, Mayor

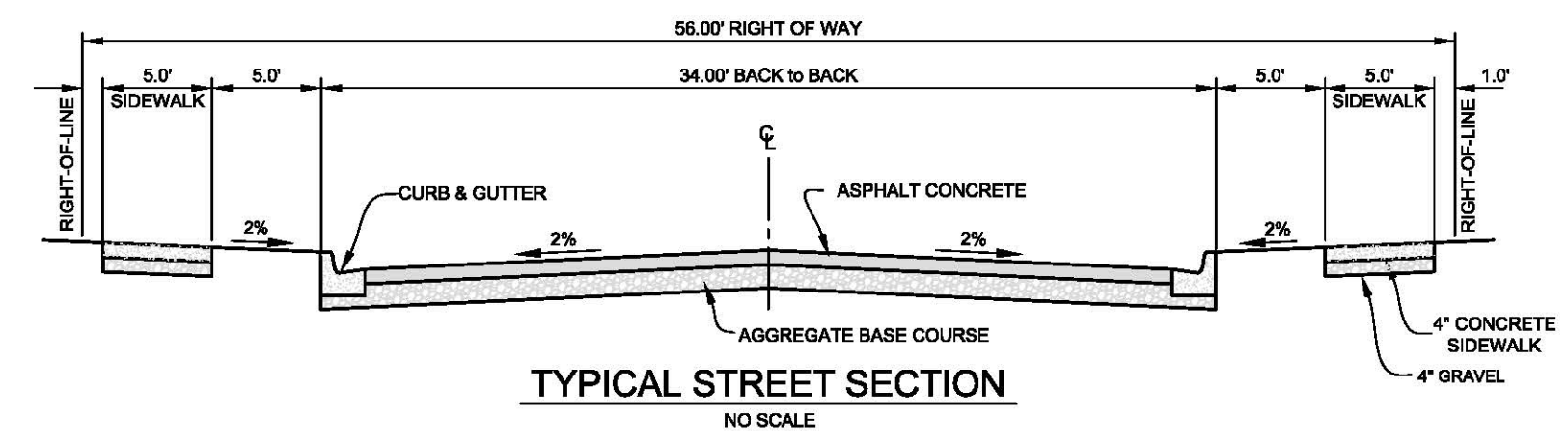
PRELIMINARY PLAT OF SILVER CREEK ESTATES, SECOND FILING

BEING LOT 1, BLOCK 3A, SILVER CREEK ESTATES, AMENDED
LOCATED IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 25 EAST, P.M.M.
YELLOWSTONE COUNTY, MONTANA
PREPARED FOR : BOYER LAND, LLC
JANUARY, 2018
SCALE: 1" = 80'



SITE DATA

NUMBER OF LOTS	68
MAXIMUM LOT AREA	110,022 S.F.
MINIMUM LOT AREA	10,800 S.F.
AREA OF PARKLAND	PARKLAND REQUIREMENTS MET WITH PREVIOUS FILINGS
LINEAR FEET OF STREETS	3,638
GROSS AREA	27.423 ACRES
NET AREA	23.071 ACRES
EXISTING ZONING	R 9600 & R 7000
PROPOSED ZONING	R 9600 & R 7000
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	RESIDENTIAL



CERT. of SURVEY No. 2054 PARCEL 1
OWNER: MONT VISTA, LLC
333 REED POINT, MT. 59069-0333

CERT. of SURVEY Tr. 1
OWNER: BRADY, SEAN D
5032 POLY DR. BILLINGS, MT. 59106-1329

CERT. of SURVEY Tr. 2C
OWNER: BRADY, SEAN D
5032 POLY DR. BILLINGS, MT. 59106-1329

CERT. of SURVEY No. 3295 Tr. 2
OWNER: ZIMMERMAN FAMILY LTD PARTNERSHIP
2033 AVENUE D BILLINGS, MT. 59102-2745

CERT. of SURVEY No. 3273 PARCEL 2
OWNER: GERALD W BROMENSHENK TRUST
BROMENSHENK, DARLENE F. TRUSTEE
4611 GRAND AVE BILLINGS, MT. 59106-1719



SUBDIVISION IMPROVEMENTS AGREEMENT
Silver Creek Estates, 2nd Filing
 (City of Billings, Montana)

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SUBDIVISION IMPROVEMENTS AGREEMENT
Silver Creek Estates, 2nd Filing

This agreement is made and entered into this this _____ day of _____, 20____, by and between **Boyer Land, LLC** whose address for the purpose of this agreement is **2810 Central Ave, Unit C, Billings, MT 59102**, hereinafter referred to as “Subdivider”, and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

WITNESSETH:

WHEREAS, at a regular meeting conducted on _____ day of _____, 20____, the Board of Planning recommended conditional approval of a preliminary plat of Silver Creek Estates, 2nd Filing; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20____, the City Council conditionally approved a preliminary plat of Silver Creek Estates, 2nd Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to Silver Creek Estates, Amended upon filing of the final plat thereof in the office of Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. No variances from the City Subdivision Regulations are requested or contemplated for this subdivision.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners shall construct portions of required sidewalk fronting their properties at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there

is damage to commercial crops and/or a threat to public health and safety.

- C. A geotechnical report was prepared by Rimrock Engineering in February 2014 that studied and made recommendations for the construction of Silver Creek Estates. Additional evaluation and clarification was provided in a letter from Rimrock Engineering on April 27, 2015 related to foundation construction adjacent to storm water detention ponds. Copies of the geotechnical report may be obtained from the City Building Division.
- D. No water rights are transferred to the lot owners within this subdivision. Irrigation ditches existing on the perimeter of the subdivision are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall only be altered by Subdivider or subsequent owners to construct the following improvements: Storm water discharge pipe(s) into the High Ditch based on an existing agreement with the ditch company; trail/sidewalk crossing with ditch culverts; minor grading to re-shape, clean or maintain ditch if needed and related erosion control measures.
- E. There is attached hereto a Waiver of Right to Protest creation of the special improvement district or districts. Said Waiver is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be recorded with the final plat, shall run with the land, and shall constitute the guarantee by the Subdivider and lot owner(s) of property within the subdivision. Said Waiver is effective upon filing and is not conditioned on completion of conditions set forth in this Agreement. The Subdivider and owner(s) specifically agree that they are waiving valuable rights and do so voluntarily.
- F. The Subdivider and lot owners acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Section 28-201, BMCC and the Billings Stormwater Management Manual.
- G. Lot owners should be aware that Best Management Practices for stormwater control are required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- H. Ditch easements as shown on the plat for the High Ditch shall be kept free of structures, including fences. The easement shall also be kept free of yard waste, grass clippings, and other debris.
- I. Lot owners should be aware that the High Ditch and the Cove Ditch are natural drainage ways and may overtop in large storm events. Precaution should be taken to protect properties abutting these ditches.

- J. It is possible for stormwater detention ponds within the subdivision to overtop their banks in large storm events. To protect homes adjacent to the ponds, lots shall be graded during home construction to direct water away from buildings. Adjacent to the ponds, top of foundations, top of basement window well elevations and any other building components vulnerable to flood water shall be held high enough to prevent flooding of home due to overflow of the ponds.

III. TRANSPORTATION

A. Streets

1. **Silver Creek Trail, Blue Mountain Trail, Gold Creek Trail and two other Streets within the Subdivision Boundary (names yet to be determined)** will be constructed within a 56-foot right-of-way using standard curb and gutter and full-width pavement (34 feet back of curb to back of curb) and will be dedicated to the City.
2. **50th Street West** is currently undeveloped and planned to be a local street. It is to be located within a 56-foot right-of-way centered on the west line of the southeast quarter of Section 32, Township 1 North, Range 25 East. A 28-foot half width was dedicated for this right-of-way with prior filing of Silver Creek Estates. The east half of 50th Street West and a portion of the pavement on the west half, for a total pavement width of 30-feet, shall be constructed from the intersection of Gold Creek Trail to the north boundary line of Silver Creek Estates. The Subdivider shall construct this portion of road to grade with a satisfactory sub-base, base course, standard curb and gutter, asphalt surface and tapers as needed. The east half of 50th Street West from the intersection of Gold Creek Trail to the south boundary of the Silver Creek Estates is not to be constructed at this time, but is included in the Waiver of Right to Protest.
3. **Cove Avenue:** Cove Avenue is a possible future local street, and may include a standard width of 34-feet back of curb to back of curb, standard curb and gutters and standard boulevard sidewalks. The south half of Cove Avenue along the frontage with Silver Creek Estate is not to be constructed at this time, but is included in the Waiver of Right to Protest.

A. Sidewalks

All sidewalks on internal streets shall be installed at the time of home construction. Sidewalk shall be 5-foot wide with a 5-foot wide boulevard between the walk and curb. The Subdivider shall construct sidewalk at each street intersection that require pedestrian ramps at the time of street construction. The Subdivider shall also construct sidewalk adjacent to the proposed stormwater detention pond on Lot 27 at the time of street construction.

B. Street Lighting

Construction or installation of street lights within the public right-of-ways is not

required now, but street lights are included in the Waiver of Right to Protest to provide for future installation if needed. A maintenance district for street lights will be formed in the future, if required.

C. Traffic Control Devices

The Subdivider shall furnish and install all necessary traffic control devices in accordance with the plans and specification submitted to and approved by the City Engineering Division.

D. Access

Elk Ridge Trail and Silver Creek Trail will provide access to the subdivision from 46th Street West. All lots will be accessed by the internal local streets.

Access between lots and public rights-of-way is prohibited along the 1-foot wide No Access Strip shown on the plat, along 50th Street West and a portion of Gold Creek Trail near its intersection with 50th Street West.

E. Billings Area Bikeway and Trail Master Plan

The Billings Area Bike and Trail Master Plan identifies the High Ditch as a designated bike route. River Rock Estates previously granted a 20-foot wide linear park for trail construction along the south side of the ditch. For continuity, it is expected the trail will continue along the south side of the ditch, which is outside of the boundaries of the subdivision. Therefore, no additional right-of-way is granted with the subdivision for this trail. A 20-foot wide right-of-way will be granted adjacent to the north side of Lot 27. This right-of-way will be used for future construction of a shared use path connecting Silver Creek Trail to 50th Street West. The shared use path is not to be constructed at this time, but is included in the Waiver of Right to Protest. The right-of-way will also be used for utilities. The right-of-way shall be landscaped by the Subdivider in conjunction with the stormwater detention pond landscaping on Lot 27 and maintained by the Home Owner's Association.

F. Public Transit

The subdivision does not require improvements to provide public transit service.

G. Offsite Traffic Impacts

From a traffic study originally prepared for Silver Creek Estates, motor vehicle traffic generated by Silver Creek Estates was estimated to have an aggregate impact of \$35,500 on nearby major intersections, including Rimrock Road & 46th Street West (\$11,500), Rimrock Road and Shiloh Road (\$12,000), and Shiloh Road and Poly Drive (\$12,000). This amended subdivision, will result in a minor decrease in traffic in comparison to the original subdivision, due to a decrease in housing density. Therefore, the original aggregate impact assessed for Silver Creek Estates will be used for Silver Creek Estates, 2nd Filing, without further traffic analysis.

A portion of the impact fee was paid with development of Silver Creek Estates, Phase 1, in the amounts of \$5,080 for improvements to the intersection of Rimrock Road and 46th Street West and \$5,270 for improvements to the intersection Shiloh Road and Poly Drive. The remaining balance of \$25,150 shall be made prior to approval of a Private Contract for public improvements (water, sewer, streets) serving Silver Creek Estates, 2nd Filing.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials, fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

Any roads extending beyond 150' in length that ends in a dead end shall have an approved turn around at its termination.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval prior to final plat approval.

Stormwater detention ponds shall be landscaped in conjunction with the private contract improvements. The Homeowner's Association shall maintain the storm drain ponds in accordance with the Operation and Maintenance plan approved by the City. If the Homeowner's Association stops maintaining the ponds, the City reserves the right to create a maintenance district throughout the subdivision to maintain the ponds.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Distribution and Collection Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater construction fees and franchise fee in effect shall be submitted with the applications.

It is acknowledged that the properties subject to this Subdivision Improvements Agreement shall be subject to the appropriate water and wastewater local and interior construction fees in effect at the time of payment. Fees shall be paid for the lots applied for in the extension application and as per the first paragraph above.

The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

It is acknowledged that all fees stated above are subject to the Franchise Fee in effect at the time of payment.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

The subdivision will be served by water main extensions from existing water mains located in Silver Creek Trail, east of the subdivision and Gold Creek Trail, near the northeast corner of the subdivision. Water main extensions are to be designed and constructed in accordance with City design standards in place at the time of design and as approved by the City Engineering Division.

B. Sanitary Sewer

The subdivision will be served by sewer main extensions from existing sewer mains located in Silver Creek Trail, east of the subdivision, Gold Creek Trail near the northeast corner of the subdivision and 50th Street West, near the southeast corner of the subdivision. Sewer main extensions are to be designed and constructed in accordance with City design standards in place at the time of design and as approved by the City Engineering Division.

C. Power, Telephone, Gas, and Cable Television

All telephone, gas, electrical, power, and cable television lines shall be the responsibility of Subdivider. Any line located within public right-of-way shall be subject to approval of the City Engineering Division. All easements required for the location of these utilities are as shown on the plat.

VII. PARKS/OPEN SPACE

Park land requirements were satisfied at the time of filing of Silver Creek Estates, via a combination of park creation and cash in lieu contributions. Silver Creek Estates, 2nd Filing will provide a net decrease in the area of land subdivided into residential lots. Therefore, no additional park creation or cash in-lieu contributions are required.

The Subdivider shall expand the Park Maintenance District (PMD) created for the River Rock Park, to include the lots in Silver Creek Estates, Amended. This shall be done upon final plat recordation if the PMD has been established by that time. Additionally, park improvements on the 3.66 acres of parkland previously dedicated for Silver Creek Estates within River Rock Park shall be funded by the creation of a Special Improvement District (SID). The SID shall be created when building permits have been issued for a total of 130 dwelling units in Silver Creek Estates and/or Silver Creek Estates, 2nd Filing and shall include all lots therein. Alternately, if significant interest is expressed by lot owners prior to the issuance of 130 building permits, the City Parks Department may proceed with creation of the SID prior to the issuance of 130 permits.

VIII. IRRIGATION

The Cove Ditch located north of the subdivision and the High Ditch running along the south side of the subdivision are for the irrigation service to other properties. These ditches shall remain in place and shall not be altered by the Subdivider or subsequent owners, except as identified in this agreement or otherwise approved by ditch owners. Existing ditch easements shall be preserved. No structures, including fences shall be erected within the ditch easements shown on the plat, and the easement area should be kept free of yard waste, grass clippings, and other debris

A Storm Water Pollution Prevention Plan will be required for the proposed construction, and such plan shall incorporate provisions for protection of the irrigation ditches from runoff, sediment, and chemical contamination.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical report was prepared by Rimrock Engineering in February 2014 that studied and made recommendations for the construction of Silver Creek Estates Subdivision. Additional evaluation and clarification was provided in a letter from Rimrock Engineering on April 27, 2015 related to foundation construction adjacent to

storm water detention ponds. Copies of the geotechnical report may be obtained from the City Building Division office.

X. PHASING OF IMPROVEMENTS

No phasing is proposed with Silver Creek Estates, 2nd Filing.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER” Boyer Land, LLC

By: _____

It's: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

On this _____ day of _____, 2018, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of **Boyer Land, LLC**, who executed the foregoing instrument and acknowledged to me that he executed the same.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this _____ day of _____, 2018.

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 : SS
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Approved as to form:

City Attorney

Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Silver Creek Estates, 2nd Filing

Signed and dated this ____ day of _____, 20__.

“SUBDIVIDER”

Boyer Land, LLC

By: _____

Its: _____

STATE OF MONTANA)

: ss

County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be **Boyer Land, LLC**, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana

Printed Name: _____

Residing at: _____

My commission expires: _____



CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 687-8296
FAX (406) 657-8390

April 23, 2018

Boyer Land, LLC
2810 Central Avenue Unit C
Billings, MT 59102

Dear Property Owners:

On April 23, 2018, the Billings City Council conditionally approved the preliminary plat of Silver Creek Estates Subdivision, 2nd Filing, subject to the following conditions of approval:

1. To minimize the effects on local services and ensure public safety, prior to final plat approval and prior to installation of any infrastructure the applicant will provide the City of Billings Engineering Division with installation and maintenance plans for the water, sewer and stormwater systems for review and approval.
2. To provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
3. To provide for proper addressing, prior to final plat approval the applicant will provide street names for the two streets running north and south between Silver Creek Trail and Blue Mountain Trail on the proposed plat.
4. To ensure public health and safety and provide for the maintenance and continued use of the High Ditch by the City of Billings for drainage purposes, prior to final plat approval a ditch easement agreement between Boyer Land LLC and High Ditch Company (District) shall name the City of Billings as a third party. The easement agreement shall:
 - State the District grants the City first right of refusal to accept transfer of ownership of the District's facilities and title, if applicable.
 - Include language pertaining to the property owners within the subdivision to continue to meet the Subdivision Improvements Agreement pertaining to the ditch.

- Allow the City to utilize the easement for the public good and not restrict it to stormwater collection and discharge.
 - Include easement boundaries as approved by the District. The easement document must be either written or reviewed by an attorney familiar with property law and transfers.
5. To ensure understanding of the use of the High Ditch easement, prior to final plat approval the applicant in the SIA under the heading VIII. Irrigation shall outline the requirements of the easement document for the High Ditch and how it is used and the City of Billings involvement with the ditch.
 6. To minimize impacts on local services, prior to final plat approval centralized mail delivery site(s) shall be coordinated and identified and a letter from USPS shall be provided for verification.
 7. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
 8. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

If you have questions please contact Dave Green at (406) 247-8666 or by email at greend@ci.billings.mt.us.

Sincerely,

William A. Cole, Mayor

Pc: KLJ Engineering

Consent 1. K. 1.

Regular City Council Meeting

Meeting Date: 04/23/2018
TITLE: Payment of Claims March 26, 2018
PRESENTED BY: Andy Zoeller
Department: City Hall Administration
Presentation: No

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$2,006,801.20 have been audited and are presented for City Council payment approval. A complete listing of the claims dated March 26, 2018, are available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

Council Memo_03262018

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812206	A & I Distributors	Fleet	\$ 3,964.33	3084811 PO NUM 304945
03/26/2018	812206	A & I Distributors	Street/Traffic Oper	\$ 340.26	3085568
03/26/2018	812206	A & I Distributors	Fleet	\$ 2,008.92	3087872 PO NUM 304945
03/26/2018	812206	A & I Distributors	Public Safety	\$ 39.79	3090899
03/26/2018	812206	A & I Distributors	Fleet	\$ 323.95	3090899 PO NUM 304945
03/26/2018	812206	A & I Distributors	Public Safety	\$ 39.79	3096295
03/26/2018	812206	A & I Distributors	Fleet	\$ 70.98	3096295 PO NUM 304945
03/26/2018	812206	A & I Distributors	Street/Traffic Oper	\$ 278.85	3102834
03/26/2018	812206	A & I Distributors	Airport	\$ 356.95	Invoice #3086818. Automatic Transmission
03/26/2018	812206	A & I Distributors	Airport	\$ 607.06	Invoice #3094873. 15W40 Oil for Operations
03/26/2018	812206	A & I Distributors	Water	\$ 18.59	NONSTOCKING ITEMS-P.U.D.
03/26/2018	812206	A & I Distributors	Solid Waste	\$ 426.80	Oil Heater repair at the Landfill
03/26/2018	812206	A & I Distributors	Street/Traffic Oper	\$ 39.79	3090899
03/26/2018	812206	A & I Distributors	Fleet	\$ 1,282.06	3090899 PO NUM 304945
03/26/2018	812206	A & I Distributors	Street/Traffic Oper	\$ 39.80	3096295
03/26/2018	812206	A & I Distributors	Wastewater	\$ 74.36	NONSTOCKING ITEMS-P.U.D.
03/26/2018	812206	A & I Distributors	Solid Waste	\$ 40.34	3090899
03/26/2018	812206	A & I Distributors	Fleet	\$ 131.48	3092423 PO NUM 304945
03/26/2018	812206	A & I Distributors	Solid Waste	\$ 40.34	3096295
03/26/2018	812215	Americlean	Property Ins	\$ 6,175.83	Inv. #12265 Par 3 Clubhouse remediation
03/26/2018	812222	Billings Bench Water Assn	General	\$ 9,112.00	Water rental
03/26/2018	812223	Billings Carpet Cleaning	Property Ins	\$ 3,543.89	Inv. 14813 Fire Station #7 flooding #2017-
03/26/2018	812225	Billings Depot Inc	P.W. Admin	\$ 2,824.33	OFFICE BUILDING RENTAL
03/26/2018	812225	Billings Depot Inc	Engineering	\$ 11,297.34	OFFICE BUILDING RENTAL
03/26/2018	812227	Billings Industrial Revitalization District Inc	Tax Increment East	\$ 43,736.50	FY18 2nd Qtr
03/26/2018	812229	Billings Tourism	Tourism BID #2	\$ 24,550.14	Distributed February, paid March 2018
03/26/2018	812230	Black Box Network Services	Information Resources	\$ 11,478.00	200 CS1000 Licenses
03/26/2018	812232	Border States Electric	Wastewater	\$ 474.87	BREAKER FOR AIR COMP IN SEC TUNNEL
03/26/2018	812232	Border States Electric	Wastewater	\$ 464.58	BREAKER FOR WENCO
03/26/2018	812232	Border States Electric	Wastewater	\$ 617.15	BREAKER FOR WENCO PUMP
03/26/2018	812232	Border States Electric	Water	\$ 264.36	CAT 5 FOR SECURITY CAMERAS
03/26/2018	812232	Border States Electric	Wastewater	\$ 1,068.36	CONTACTER/ KIT FOR WENCO
03/26/2018	812232	Border States Electric	Water	\$ 43.13	CP1100 UPS PROJECT

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812232	Border States Electric	Water	\$ 813.98	FILTER BUILDING PLC, CP 300 R
03/26/2018	812232	Border States Electric	Wastewater	\$ 813.98	FILTER BUILDING PLC, CP 300 R
03/26/2018	812232	Border States Electric	Water	\$ 250.42	INSTALL WTP CAMERAS
03/26/2018	812232	Border States Electric	Water	\$ 68.07	LAB UPS PROJECT
03/26/2018	812232	Border States Electric	Water	\$ 805.56	LIGHTS IN WTP BOILER RM
03/26/2018	812232	Border States Electric	Water	\$ 17.35	OIL FOR GREENLEE PUNCH SET
03/26/2018	812232	Border States Electric	Wastewater	\$ 17.35	OIL FOR GREENLEE PUNCH SET
03/26/2018	812232	Border States Electric	Wastewater	\$ 50.62	PARTS FOR GT BOILER
03/26/2018	812232	Border States Electric	Water	\$ 140.03	REFEED LAB OUTLETS TO UPS
03/26/2018	812232	Border States Electric	Water	\$ 29.97	REPLACEMENT TOOLS
03/26/2018	812232	Border States Electric	Wastewater	\$ 29.96	REPLACEMENT TOOLS
03/26/2018	812232	Border States Electric	Wastewater	\$ 73.75	SHILOH SPLICE
03/26/2018	812232	Border States Electric	Water	\$ 55.22	SHIPPING FEES FOR 8022461840
03/26/2018	812232	Border States Electric	Wastewater	\$ 34.67	SHIPPING FEES FOR 8022513073
03/26/2018	812232	Border States Electric	Wastewater	\$ 28.12	SHIPPING FEES FOR 8022563577
03/26/2018	812232	Border States Electric	Wastewater	\$ 8.90	SHIPPING FEES FOR 8022622430
03/26/2018	812232	Border States Electric	Wastewater	\$ 55.95	SHIPPINGS FEES FOR 8022470721
03/26/2018	812232	Border States Electric	Water	\$ 930.67	SWITCH FOR GEN TO UPS IN FILTER BUILD
03/26/2018	812232	Border States Electric	Water	\$ 78.39	SWITCH SELECTOR- FILTER BUILDING
03/26/2018	812232	Border States Electric	Water	\$ 6,290.10	TECH CONNECT- 3YR RENEWAL, PD
03/26/2018	812232	Border States Electric	Wastewater	\$ 6,290.09	TECH CONNECT- 3YR RENEWAL, PD
03/26/2018	812232	Border States Electric	Water	\$ 21.45	TRANSFORMER/ TOOL REPLACEMENT
03/26/2018	812232	Border States Electric	Wastewater	\$ 376.51	TRANSFORMER/ TOOL REPLACEMENT
03/26/2018	812232	Border States Electric	Wastewater	\$ 21.45	TRANSFORMER/ TOOL REPLACEMENT
03/26/2018	812232	Border States Electric	Water	\$ 813.98	ups
03/26/2018	812232	Border States Electric	Water	\$ 186.20	ups project-filter floor MCC
03/26/2018	812232	Border States Electric	Water	\$ 636.45	WTP 1100 RM UPS
03/26/2018	812232	Border States Electric	Water	\$ 18.90	WTP Electrical
03/26/2018	812232	Border States Electric	Water	\$ 44.98	WTP Electrical
03/26/2018	812232	Border States Electric	Water	\$ 68.61	WTP Electrical
03/26/2018	812232	Border States Electric	Water	\$ 381.56	WTP Electrical
03/26/2018	812232	Border States Electric	Wastewater	\$ 813.98	UPS
03/26/2018	812234	Brenntag Pacific Inc	Wastewater	\$ 3,750.50	CALCIUM HYPOCHLORITE

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812234	Brenntag Pacific Inc	Wastewater	\$ 2,512.50	CHEMICAL WWTP
03/26/2018	812234	Brenntag Pacific Inc	Wastewater	\$ 2,738.90	CHEMICAL-WWTP
03/26/2018	812234	Brenntag Pacific Inc	Street/Traffic Oper	\$ 6,487.10	hicothaw used to melt snow on streets
03/26/2018	812234	Brenntag Pacific Inc	Street/Traffic Oper	\$ 6,546.32	hicothaw used to melt snow on streets
03/26/2018	812234	Brenntag Pacific Inc	Water	\$ 1,081.50	SALT FOR CLORTEC
03/26/2018	812236	Broadway Property Management	Police Programs	\$ 2,500.00	Rent, utilities, and parking for March, 2018.
03/26/2018	812238	Business Tax Section	Wastewater	\$ 7,810.75	WO 14-11 Water Reclamation Facility
03/26/2018	812242	CTA Inc	Rose Park Pool Construction	\$ 3,045.68	Change order #1 to increase PO-includes
03/26/2018	812242	CTA Inc	Rose Park Pool Construction	\$ 1,296.38	Change order #1 to increase PO-includes
03/26/2018	812242	CTA Inc	Rose Park Pool Construction	\$ 1,833.95	Change order #1 to increase PO-includes
03/26/2018	812242	CTA Inc	Park District 1	\$ 2,025.06	Rose Park operations building special
03/26/2018	812245	Data Imaging System, Inc.	Building Inspection	\$ 194.00	- I18-018608 Data Imaging System, Inc.
03/26/2018	812245	Data Imaging System, Inc.	Building Inspection	\$ 2,297.86	I18-019286 Data Imaging System, Inc.
03/26/2018	812245	Data Imaging System, Inc.	City County Planning	\$ 482.00	Inv 32985
03/26/2018	812245	Data Imaging System, Inc.	Facilities Mngmt	\$ 318.00	Inv. #33081
03/26/2018	812249	Desert Mountain Corporation	Street/Traffic Oper	\$ 3,733.43	ice slicer used to melt snow on streets
03/26/2018	812249	Desert Mountain Corporation	Street/Traffic Oper	\$ 5,273.02	ice slicer used to melt snow on streets
03/26/2018	812253	Ebms	City Health Ins Fund	\$ 1,485.00	April 2018 Fee Breakdown
03/26/2018	812253	Ebms	City Health Ins Fund	\$ 25,576.10	April 2018 Fee Breakdown
03/26/2018	812253	Ebms	City Health Ins Fund	\$ 55,158.60	April 2018 Fee Breakdown
03/26/2018	812253	Ebms	City Health Ins Fund	\$ 822.50	April 2018 Fee Breakdown
03/26/2018	812253	Ebms	City Health Ins Fund	\$ 4,646.40	April 2018 Fee Breakdown
03/26/2018	812270	Galles Filter Service	Transit	\$ 31.70	AUTO &TRUCK MAINT.ITEMS
03/26/2018	812270	Galles Filter Service	Transit	\$ 142.23	BUS MET PO NUM 304948
03/26/2018	812270	Galles Filter Service	Transit	\$ 398.70	BUS MET PO NUM 304948
03/26/2018	812270	Galles Filter Service	Solid Waste	\$ 104.14	Filters for Landfill Equipment
03/26/2018	812270	Galles Filter Service	Solid Waste	\$ 265.81	Filters for Landfill equipment
03/26/2018	812270	Galles Filter Service	Solid Waste	\$ 462.03	Filters for Landfill equipment
03/26/2018	812270	Galles Filter Service	Solid Waste	\$ 447.74	Filters for the Landfill equipment
03/26/2018	812270	Galles Filter Service	Wastewater	\$ 23.70	headwork blower air element
03/26/2018	812270	Galles Filter Service	Public Safety	\$ 17.15	P-75908-01
03/26/2018	812270	Galles Filter Service	Fleet	\$ 163.91	P-75933-01 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Fleet	\$ 5.58	P-76041-01 PO NUM 304948

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03/26/2018	812270	Galles Filter Service	Public Safety	\$ 17.15	P-76128-01
03/26/2018	812270	Galles Filter Service	Water	\$ 39.61	P-76136-01
03/26/2018	812270	Galles Filter Service	Fleet	\$ 191.33	P-76456-01 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Water	\$ 24.46	WATER PARTS AND SUPPLIES PO NUM
03/26/2018	812270	Galles Filter Service	Transit	\$ 20.23	AUTO &TRUCK MAINT.ITEMS
03/26/2018	812270	Galles Filter Service	Fleet	\$ 48.39	P-76119-01 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Fleet	\$ 312.62	P-76188-01 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Street/Traffic Oper	\$ 36.44	P-76210-01
03/26/2018	812270	Galles Filter Service	Public Safety	\$ 44.72	T-73543
03/26/2018	812270	Galles Filter Service	Fleet	\$ 35.20	T-73921 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Water	\$ 96.22	WATER PARTS AND SUPPLIES PO NUM
03/26/2018	812270	Galles Filter Service	Transit	\$ 19.54	AUTO &TRUCK MAINT.ITEMS
03/26/2018	812270	Galles Filter Service	Fleet	\$ 97.98	P-76237-01 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Fleet	\$ 229.49	T-73517 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Street/Traffic Oper	\$ 40.48	T-73601
03/26/2018	812270	Galles Filter Service	Water	\$ 39.12	WATER PARTS AND SUPPLIES PO NUM
03/26/2018	812270	Galles Filter Service	Transit	\$ 11.93	NONSTOCKING ITEMS-P.U.D.
03/26/2018	812270	Galles Filter Service	Fleet	\$ 133.63	P-76325-01 PO NUM 304948
03/26/2018	812270	Galles Filter Service	Water	\$ 21.30	WATER PARTS AND SUPPLIES PO NUM
03/26/2018	812270	Galles Filter Service	Transit	\$ 23.80	NONSTOCKING ITEMS-P.U.D.
03/26/2018	812270	Galles Filter Service	Fleet	\$ 109.04	P-76374-01 PO NUM 304948
03/26/2018	812277	Guardian Security Inc	Library	\$ 9,129.12	Security service
03/26/2018	812277	Guardian Security Inc	Library	\$ 8,379.36	Security service
03/26/2018	812281	HDR, Inc.	Wastewater	\$165,846.24	WO 14-11 WWTP Nutrient Upgrade
03/26/2018	812281	HDR, Inc.	Water	\$ 4,981.62	WO 16-98 2016 Integrated Water Plan (IWP)
03/26/2018	812281	HDR, Inc.	Tax Increment South	\$ 25,342.73	WO 17-06 Midland Road Improvements
03/26/2018	812281	HDR, Inc.	Water	\$ 18,797.38	WO 17-09 Leavens Reservoir Liner
03/26/2018	812292	JBT Aero Tech, Jetway Systems	Airport	\$ 969.95	Invoice #2347462. A3 Auto Level Assembly
03/26/2018	812292	JBT Aero Tech, Jetway Systems	Airport	\$ 3,931.70	Invoice #2347685. Jet Bridge Heaters
03/26/2018	812294	Kadrmass Lee & Jackson	Water	\$ 22,489.12	WO 15-18 WTP Clearwell No. 2 Re-coat
03/26/2018	812294	Kadrmass Lee & Jackson	Storm Sewer	\$ 6,577.50	WO 17-07 Hilltop Rd & Aronson Ave Storm
03/26/2018	812294	Kadrmass Lee & Jackson	Water	\$ 3,531.25	WO 17-23 King Ave W Water & Sewer
03/26/2018	812294	Kadrmass Lee & Jackson	Wastewater	\$ 3,531.25	WO 17-23 King Ave W Water & Sewer

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03/26/2018	812297	Kenco Enterprises Inc.	Police Programs	\$ 2,784.78	Install Access Control System at CPC.
03/26/2018	812299	Knife River (JTL Group Inc.)	Street/Traffic Oper	\$ 8,976.03	winter traction material
03/26/2018	812299	Knife River (JTL Group Inc.)	Street/Traffic Oper	\$ 10,218.18	winter traction material
03/26/2018	812300	Kone Inc	Library	\$ 514.22	Elevator repair
03/26/2018	812300	Kone Inc	Library	\$ 3,443.50	Elevator repair
03/26/2018	812302	Library Ideas LLC	Library	\$ 15,999.00	Invoice 60288
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 338.02	283 116 0655 3. IP-12 Alpine Aviation. March
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 2,579.50	285 580 1000 6
03/26/2018	812313	Montana Dakota Utilities Co	CDBG	\$ 106.86	FORECLOSURE Program - 244 Terry Ave
03/26/2018	812313	Montana Dakota Utilities Co	CDBG	\$ 60.13	FORECLOSURE Program - 30 S Plainview
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 304.07	295 580 1000 4. Aero Interiors. March 2018
03/26/2018	812313	Montana Dakota Utilities Co	Water	\$ 146.98	373 580 1000 9
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 227.83	160 723 3573 6. USDA. March 2018
03/26/2018	812313	Montana Dakota Utilities Co	Water	\$ 146.97	373 580 1000 9
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 497.05	185 580 1000 7. TSA Building. March 2018
03/26/2018	812313	Montana Dakota Utilities Co	General	\$ 153.39	501 473 1000 2
03/26/2018	812313	Montana Dakota Utilities Co	Water	\$ 116.47	541 380 1000 1
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 1,875.54	889 373 1000 6. Car Wash. March 2018
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 671.27	129 573 1000 1. Mud Wash. March 2018
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 8,805.68	595 580 1000 1
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 216.51	229 573 1000 0. Detail Bay 1 Hertz. March
03/26/2018	812313	Montana Dakota Utilities Co	Wastewater	\$ 31.01	596 733 1000 5
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 196.25	629 573 1000 6. Detail Bay 2 National/Alamo.
03/26/2018	812313	Montana Dakota Utilities Co	Public Safety	\$ 672.25	668 670 1000 2
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 87.26	329 573 1000 9. Detail Bay 3 Enterprise.
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 1,546.17	706 580 1000 7
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 128.37	429 573 1000 8. Detail Bay 4 Avis/Budget.
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 15.21	806 580 1000 6
03/26/2018	812313	Montana Dakota Utilities Co	Airport	\$ 47.96	529 573 1000 7. Detail Bay 5 Thrifty/Dollar.
03/26/2018	812313	Montana Dakota Utilities Co	Water	\$ 78.67	921 580 1000 6
03/26/2018	812313	Montana Dakota Utilities Co	Wastewater	\$ 32.82	955 043 1000 4
03/26/2018	812316	Montana Municipal Interlocal Authority	Property Ins	\$ 38,058.83	Inv. 218002 Deductible Recovery Invoice
03/26/2018	812318	Morrison Maierle Inc	Wastewater	\$ 11,309.69	WO 18-01 2018 Water & Sewer Replacement

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03/26/2018	812318	Morrison Maierle Inc	Wastewater	\$ 45,486.22	WO 18-01 2018 Water & Sewer Sch 2
03/26/2018	812321	Moulton Bellingham PC	General	\$ 9,694.00	Abromeit et al v. COB
03/26/2018	812324	Musol Limited	Wastewater	\$ 4,553.24	MPOX40
03/26/2018	812329	NorthWestern Energy	Water	\$ 892.22	0100485-2
03/26/2018	812329	NorthWestern Energy	Airport	\$ 94.98	3085107-5. New Employee Parking. March
03/26/2018	812329	NorthWestern Energy	Public Safety	\$ 49,072.00	476 6TH STREET W:FIRE STATION #4 -
03/26/2018	812328	NorthWestern Energy	CDBG	\$ 13.65	FORECLOSURE - 244 Terry Ave
03/26/2018	812329	NorthWestern Energy	Water	\$ 2,247.43	MARCH BILL-CANYONWOODS
03/26/2018	812329	NorthWestern Energy	General	\$ 6.60	Monthly electrical charges for Pioneer tennis
03/26/2018	812328	NorthWestern Energy	Street/Traffic Oper	\$ 12,123.96	Signal Bills
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 514.43	SILMD 008 ACCT# 0712544-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 557.06	SILMD 172 ACCT# 0712611-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 15.38	SILMD 238 ACCT# 0712672-5
03/26/2018	812329	NorthWestern Energy	Airport	\$ 3,024.52	0100483-7. Runway Lights. March 2018
03/26/2018	812329	NorthWestern Energy	Water	\$ 4,183.10	0100540-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 514.56	SILMD 009 ACCT# 0712545-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,222.19	SILMD 173 ACCT# 0712612-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 97.78	SILMD 239 ACCT# 0712673-3
03/26/2018	812329	NorthWestern Energy	Airport	\$ 2,001.46	0100484-5. ARFF Facility. March 2018
03/26/2018	812329	NorthWestern Energy	Water	\$ 71,800.14	0100606-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,450.14	SILMD 010 ACCT# 0712546-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,026.65	SILMD 174 ACCT# 0712613-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 398.67	SILMD 240 ACCT# 0712674-1
03/26/2018	812329	NorthWestern Energy	Water	\$ 2,834.21	0100606-3
03/26/2018	812329	NorthWestern Energy	Airport	\$ 71.90	1647695-4. De Icer. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 4,379.36	SILMD 013 ACCT# 0721276-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 342.21	SILMD 175 ACCT# 0712614-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 641.93	SILMD 241 ACCT# 0712675-8
03/26/2018	812329	NorthWestern Energy	Wastewater	\$ 944.75	0100606-3
03/26/2018	812329	NorthWestern Energy	Airport	\$ 1,465.88	1993430-6. Car Wash. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,119.30	SILMD 014 ACCT# 0721277-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 44.98	SILMD 176 ACCT# 0712615-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 85.69	SILMD 242 ACCT# 0712676-6

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03/26/2018	812329	NorthWestern Energy	General	\$ 45.64	0712387-0
03/26/2018	812329	NorthWestern Energy	Airport	\$ 424.23	2001846-1. Mud Wash. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,268.11	SILMD 017 ACCT# 0712553-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 268.90	SILMD 178 ACCT# 0712616-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 114.27	SILMD 244 ACCT# 0712677-4
03/26/2018	812329	NorthWestern Energy	General	\$ 206.74	0712536-2
03/26/2018	812329	NorthWestern Energy	Airport	\$ 617.91	2001848-7. Detail Bay 1 Hertz. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 91.38	SILMD 018 ACCT# 0712554-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 537.74	SILMD 179 ACCT# 0712617-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 89.25	SILMD 245 ACCT# 0712678-2
03/26/2018	812329	NorthWestern Energy	General	\$ 54.18	0720818-4
03/26/2018	812329	NorthWestern Energy	Airport	\$ 331.30	2001855-2. Detail Bay 2 National/Alamo.
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 469.93	SILMD 095 ACCT# 0712556-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 366.65	SILMD 180 ACCT# 0712618-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 342.81	SILMD 246 ACCT# 0712679-0
03/26/2018	812329	NorthWestern Energy	General	\$ 1,731.93	0720821-8
03/26/2018	812329	NorthWestern Energy	Airport	\$ 265.38	2001862-8. Detail Bay 3 Enterprise. March
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 13,767.83	SILMD 097 ACCT# 0712557-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,742.59	SILMD 181 ACCT# 0712619-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,200.60	SILMD 247 ACCT# 0712680-8
03/26/2018	812329	NorthWestern Energy	Water	\$ 2,010.68	0722264-9
03/26/2018	812329	NorthWestern Energy	Airport	\$ 388.80	2001865-1. Detail Bay 4 Avis/Budget. March
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,659.62	SILMD 099 ACCT# 0712558-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 611.09	SILMD 182 ACCT# 0712620-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,544.21	SILMD 248 ACCT# 0712681-6
03/26/2018	812329	NorthWestern Energy	General	\$ 34.08	0722287-0
03/26/2018	812329	NorthWestern Energy	Airport	\$ 245.61	2001867-7. Detail Bay 5 Thrifty/Dollar. March
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,738.65	SILMD 100 ACCT# 0712559-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,222.20	SILMD 183 ACCT# 0712621-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,828.18	SILMD 249 ACCT# 0718734-7
03/26/2018	812329	NorthWestern Energy	Water	\$ 3,061.85	0723040-2
03/26/2018	812329	NorthWestern Energy	Airport	\$ 143.68	1138926-9. Aero Interiors. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,799.71	SILMD 107 ACCT# 0712560-2

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03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 391.09	SILMD 184 ACCT# 0712622-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 199.34	SILMD 250 ACCT# 0719001-0
03/26/2018	812329	NorthWestern Energy	General	\$ 47.80	0723045-1
03/26/2018	812329	NorthWestern Energy	Airport	\$ 341.51	3446396-8. USDA. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 4,485.06	SILMD 109 ACCT# 0712561-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 146.65	SILMD 185 ACCT# 0712623-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 4,061.46	SILMD 251 ACCT# 0718801-4
03/26/2018	812329	NorthWestern Energy	Water	\$ 54.45	0723059-2
03/26/2018	812329	NorthWestern Energy	Airport	\$ 613.46	1669567-8. TSA Building. March 2018
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 188.27	SILMD 113 ACCT# 0712562-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 631.24	SILMD 186 ACCT# 0712624-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 571.36	SILMD 252 ACCT# 0719162-0
03/26/2018	812329	NorthWestern Energy	Public Safety	\$ 822.62	0871546-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 971.28	SILMD 114 ACCT# 0712563-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 244.43	SILMD 187 ACCT# 0712625-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,002.24	SILMD 253 ACCT# 0719644-7
03/26/2018	812329	NorthWestern Energy	General	\$ 146.28	0925496-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 228.55	SILMD 115 ACCT# 0712564-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 293.33	SILMD 188 ACCT# 0712626-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 150.00	SILMD 254 ACCT# 0719763-5
03/26/2018	812329	NorthWestern Energy	Facilities Mngmt	\$ 541.78	0975808-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 599.89	SILMD 116 ACCT# 0712565-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 244.43	SILMD 189 ACCT# 0712627-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 181.05	SILMD 255 ACCT# 0720813-5
03/26/2018	812329	NorthWestern Energy	Water	\$ 653.61	1116452-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 3,313.66	SILMD 117 ACCT# 0712566-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,221.63	SILMD 190 ACCT# 0712628-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 888.28	SILMD 257 ACCT# 0720360-7
03/26/2018	812329	NorthWestern Energy	Facilities Mngmt	\$ 813.41	1160802-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 240.39	SILMD 118 ACCT# 0712567-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 436.72	SILMD 191 ACCT# 0712629-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,698.05	SILMD 258 ACCT# 0720606-3
03/26/2018	812329	NorthWestern Energy	Facilities Mngmt	\$ 2,391.34	1160804-9

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03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 158.59	SILMD 119 ACCT# 0712568-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 317.78	SILMD 192 ACCT# 0712630-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,369.78	SILMD 259 ACCT# 0720810-1
03/26/2018	812329	NorthWestern Energy	Facilities Mngmt	\$ 3,426.07	1269391-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,571.05	SILMD 121 ACCT# 0712570-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 782.20	SILMD 193 ACCT# 0712631-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 514.21	SILMD 261 ACCT# 0720705-3
03/26/2018	812329	NorthWestern Energy	Street/Traffic Oper	\$ 0.23	1740357-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 195.56	SILMD 122 ACCT# 0712571-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 265.79	SILMD 194 ACCT# 0712632-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 3,244.55	SILMD 262 ACCT# 0720937-2
03/26/2018	812329	NorthWestern Energy	Street/Traffic Oper	\$ 0.55	1748896-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 342.81	SILMD 123 ACCT# 0712572-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 221.49	SILMD 195 ACCT# 0712633-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 972.20	SILMD 263 ACCT# 0720716-0
03/26/2018	812329	NorthWestern Energy	General	\$ 22.83	1836666-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 999.83	SILMD 124 ACCT# 0712573-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 71.16	SILMD 196 ACCT# 0712634-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 163.63	SILMD 264 ACCT# 0721427-3
03/26/2018	812329	NorthWestern Energy	Solid Waste	\$ 2,564.61	3252194-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 399.94	SILMD 125 ACCT# 0712574-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 71.16	SILMD 197 ACCT# 0712635-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 361.45	SILMD 265 ACCT# 0721556-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 199.98	SILMD 126 ACCT# 0712575-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 122.21	SILMD 198 ACCT# 0712636-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 53.75	SILMD 266 ACCT# 0721684-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 733.33	SILMD 127 ACCT# 0712576-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 91.54	SILMD 200 ACCT# 0712637-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 436.33	SILMD 270 ACCT# 0906944-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 513.30	SILMD 128 ACCT# 0712577-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 513.30	SILMD 201 ACCT# 0712638-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,033.33	SILMD 271 ACCT# 0995095-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 342.81	SILMD 129 ACCT# 0712578-4

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 587.35	SILMD 202 INV# 0712639-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,901.26	SILMD 272 ACCT# 0905005-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 129.99	SILMD 130 ACCT# 0712579-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 18.98	SILMD 203 ACCT# 0712640-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 208.19	SILMD 273 ACCT# 0926386-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 885.58	SILMD 131 ACCT# 0712580-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 381.37	SILMD 204 ACCT# 0712641-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 473.92	SILMD 276 ACCT# 0961926-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 241.39	SILMD 133 ACCT# 0712581-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 35.99	SILMD 205 ACCT# 0712642-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 851.83	SILMD 277 ACCT# 1058710-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 557.03	SILMD 134 ACCT# 0712582-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 342.21	SILMD 206 ACCT# 0712643-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 210.43	SILMD 278 ACCT# 1087619-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 537.74	SILMD 135 ACCT# 0712583-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 391.09	SILMD 207 ACCT# 0712644-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 63.54	SILMD 279 ACCT# 1124127-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 485.63	SILMD 136 ACCT# 0712584-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 271.80	SILMD 208 ACCT# 0712645-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 712.46	SILMD 280 ACCT# 1045653-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 386.84	SILMD 137 ACCT# 0712585-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 562.21	SILMD 209 ACCT# 0712646-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 450.31	SILMD 283 ACCT# 1172743-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 771.33	SILMD 138 ACCT# 0712586-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 85.40	SILMD 210 ACCT# 0712647-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 350.17	SILMD 285 ACCT# 1206985-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 257.11	SILMD 139 ACCT# 0712587-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 47.45	SILMD 211 ACCT# 0712648-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 245.30	SILMD 286 ACCT# 1296582-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 599.89	SILMD 143 ACCT# 0712588-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 47.45	SILMD 212 ACCT# 0712649-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 131.90	SILMD 287 ACCT# 1246537-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 28.47	SILMD 144 ACCT# 0712589-1

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 28.46	SILMD 213 ACCT# 0712650-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,842.72	SILMD 288 ACCT# 1303978-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 488.89	SILMD 145 ACCT# 0712590-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 490.88	SILMD 214 ACCT# 0712651-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 200.43	SILMD 289 ACCT# 1685375-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 371.38	SILMD 146 ACCT# 0712591-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 146.65	SILMD 216 ACCT# 0712652-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 145.50	SILMD 290 ACCT# 1433921-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 482.32	SILMD 147 ACCT# 0712592-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 358.99	SILMD 217 ACCT# 0712653-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 628.46	SILMD 292 ACCT# 1481532-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,543.60	SILMD 149 ACCT# 0712593-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 258.60	SILMD 220 ACCT# 0712654-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 244.43	SILMD 293 ACCT# 1481534-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 782.20	SILMD 150 ACCT# 0712594-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 8.99	SILMD 221 ACCT# 0712655-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 488.89	SILMD 294 ACCT# 1481535-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 657.05	SILMD 151 ACCT# 0712595-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 74.99	SILMD 222 ACCT# 0712656-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 114.27	SILMD 295 ACCT# 1481536-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 4,444.34	SILMD 152 ACCT# 0712596-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 113.88	SILMD 223 ACCT# 0712657-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,295.53	SILMD 296 ACCT# 1481537-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 562.21	SILMD 153 ACCT# 0712597-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,891.21	SILMD 224 ACCT# 0712658-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 220.00	SILMD 297 ACCT# 1481539-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,271.08	SILMD 154 ACCT# 0712598-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 391.64	SILMD 225 ACCT# 0712659-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 195.56	SILMD 298 ACCT# 1481540-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 514.21	SILMD 155 ACCT# 0712599-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 305.14	SILMD 226 ACCT# 0712660-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 415.84	SILMD 300 ACCT# 1662840-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 953.30	SILMD 157 ACCT# 0712600-6

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 617.32	SILMD 227 ACCT# 0712661-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 5,112.52	SILMD 301 ACCT# 1687005-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 828.44	SILMD 158 ACCT# 0712601-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 828.44	SILMD 228 ACCT# 0712662-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 271.12	SILMD 302 ACCT# 1607534-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,132.80	SILMD 159 ACCT# 0712602-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 428.50	SILMD 229 ACCT# 0712663-4
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 903.08	SILMD 305 ACCT# 1695873-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 742.75	SILMD 160 ACCT# 0712603-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 999.85	SILMD 230 ACCT# 0712664-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 213.97	SILMD 306 ACCT# 1740353-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,099.96	SILMD 161 ACCT# 0712604-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 599.89	SILMD 231 ACCT# 0712665-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,983.52	SILMD 307 ACCT# 2049005-8
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 63.00	SILMD 162 ACCT# 0712605-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 2,599.61	SILMD 232 ACCT# 0712666-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 273.41	SILMD 308 ACCT# 2072459-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 690.90	SILMD 163 ACCT# 0712606-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 829.35	SILMD 233 ACCT# 0712667-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 367.82	SILMD 309 ACCT# 2001311-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 391.09	SILMD 164 ACCT# 0712607-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 466.68	SILMD 234 ACCT# 0712668-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 396.60	SILMD 310 ACCT# 2060519-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 914.15	SILMD 165 ACCT# 0712608-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 522.05	SILMD 235 ACCT# 0712669-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 284.84	SILMD 311 ACCT# 3014475-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 244.43	SILMD 167 ACCT# 0712609-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 166.10	SILMD 236 ACCT# 0712670-9
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 273.23	SILMD 312 ACCT# 3146127-0
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 586.67	SILMD 171 ACCT# 0712610-5
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 415.55	SILMD 237 ACCT# 0712671-7
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 450.27	SILMD 315 Acct# 3305804-1
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 1,132.34	SILMD 316 Acct# 3291842-7

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 91.24	SILMD 317 Acct# 3253826-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 796.47	SILMD 318 Acct# 3372018-6
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 54.97	SILMD 320 Acct# 0712569-3
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 453.35	SILMD 321 Acct# 3338917-2
03/26/2018	812328	NorthWestern Energy	Light Maintenance	\$ 90.06	SILMD 322 Acct# 3402033-9
03/26/2018	812330	Old Chamber Development Co LLC	Police Programs	\$ 2,970.00	Billings Task Force parking for Jan-June, 2018.
03/26/2018	812347	Sanderson Stewart	SID Construction	\$ 5,572.82	SID 1401 Molt Rd Turn Lane
03/26/2018	812347	Sanderson Stewart	Tax Increment East	\$ 56,348.13	WO 18-06 EBURD N 10TH ST to N 13TH St
03/26/2018	812348	Scheels All Sports, Inc.	Public Safety	\$ 2,599.98	TREADMILLS, FREE MOTION #860
03/26/2018	812353	Sletten Construction Company	Wastewater	\$773,263.65	WO 14-11 Water Reclamation Facility
03/26/2018	812356	St Vincent Occupational Health	General	\$ 2,225.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	General	\$ 54.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	General	\$ 95.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	Public Safety	\$ 50.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	Street/Traffic Oper	\$ 190.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	Water	\$ 145.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	Solid Waste	\$ 190.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	Transit	\$ 335.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	Fleet	\$ 95.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812356	St Vincent Occupational Health	City Health Ins Fund	\$ 675.00	Drug Testing/On-Site Nursing/DOT Physicals
03/26/2018	812365	Town & Country Supply Association	Public Safety	\$ 553.63	306663:FIRE1 UNLEADED DELIVERED
03/26/2018	812365	Town & Country Supply Association	Transit	\$ 12,291.25	BUS MET PO NUM 305539
03/26/2018	812365	Town & Country Supply Association	Airport	\$ 18,856.00	Invoice #303677. QTA Car Rental Fuel
03/26/2018	812365	Town & Country Supply Association	Wastewater	\$ 7.00	unleaded fuel
03/26/2018	812365	Town & Country Supply Association	Public Safety	\$ 2,343.99	306663:FIRE 1,3,5,6 DYED DIESEL DELIVERED
03/26/2018	812366	Tractor & Equipment Co.	Solid Waste	\$ 135.27	Parts for Landfill equipment
03/26/2018	812366	Tractor & Equipment Co.	Solid Waste	\$ 710.15	Parts for Landfill equipment
03/26/2018	812366	Tractor & Equipment Co.	Solid Waste	\$ 1,939.04	Parts for Landfill equipment
03/26/2018	812366	Tractor & Equipment Co.	Solid Waste	\$ 2,902.41	Parts for Landfill equipment
03/26/2018	812366	Tractor & Equipment Co.	Solid Waste	\$ 677.60	PARTS FOR UNIT 0243
03/26/2018	812368	TTCL Services LLC	Airport	\$ 2,538.25	FY18 Window Cleaning Service Nov 2017 -
03/26/2018	812374	Verizon Wireless	Airport	\$ 111.43	Airport
03/26/2018	812375	Verizon Wireless	Airport	\$ 392.76	Airport

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 273.48	Animal Control
03/26/2018	812374	Verizon Wireless	Police Programs	\$ 69.91	CCSIU
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 200.05	Animal Control MDT
03/26/2018	812374	Verizon Wireless	Public Safety	\$ 54.75	Comm Center 911
03/26/2018	812375	Verizon Wireless	Police Programs	\$ 388.47	CCSIU Cell/PTT
03/26/2018	812374	Verizon Wireless	Facilities Mngmt	\$ 74.00	Facilites BOC Plus 70% of 406-672-3027
03/26/2018	812375	Verizon Wireless	Police Programs	\$ 147.89	CCSIU MDT
03/26/2018	812374	Verizon Wireless	Facilities Mngmt	\$ 59.83	Facilities City Hall Plus 30% of 406-672-3027
03/26/2018	812375	Verizon Wireless	Police Programs	\$ 80.02	CCSIU RAVEN
03/26/2018	812374	Verizon Wireless	Public Safety	\$ 23.08	Fire Department
03/26/2018	812375	Verizon Wireless	General	\$ 161.13	City Attorney
03/26/2018	812374	Verizon Wireless	Information Resources	\$ 13.28	ITD
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 1,115.98	Fire Department
03/26/2018	812374	Verizon Wireless	Library	\$ 13.49	LBRY OTRCH Library Outreach
03/26/2018	812375	Verizon Wireless	Library	\$ 53.94	LBRY OTRCH Library Outreach
03/26/2018	812374	Verizon Wireless	Library	\$ 158.89	Library
03/26/2018	812375	Verizon Wireless	Library	\$ 161.13	Library
03/26/2018	812374	Verizon Wireless	Fleet	\$ 82.88	Motor Pool
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 3,974.69	MDT Toughbooks
03/26/2018	812374	Verizon Wireless	General	\$ 23.08	Municipal Court Judge
03/26/2018	812375	Verizon Wireless	Transit	\$ 431.52	MET Transit Tablets
03/26/2018	812374	Verizon Wireless	Public Safety	\$ 3,644.91	Police
03/26/2018	812375	Verizon Wireless	General	\$ 161.13	Muni Court Drug Court
03/26/2018	812374	Verizon Wireless	Police Programs	\$ 23.65	Police Forensic
03/26/2018	812375	Verizon Wireless	General	\$ 53.71	Municipal Court Judge
03/26/2018	812374	Verizon Wireless	Public Safety	\$ 660.17	Police Resource Officers
03/26/2018	812375	Verizon Wireless	Parking	\$ 26.97	Parking 406-690-5822
03/26/2018	812374	Verizon Wireless	Police Programs	\$ 28.27	Police-Dom Viol 406-698-1391
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 85.69	Police 406-670-8780
03/26/2018	812374	Verizon Wireless	Parking	\$ 121.95	PRKING Enforcement (Parking)
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 40.01	Police ICAC 406-690-7347
03/26/2018	812374	Verizon Wireless	General	\$ 173.88	PRPL - Director Admin
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 80.02	Police iPad

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812374	Verizon Wireless	General	\$ 357.42	PRPL - Recreation Division
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 40.01	Police MiFi 406-633-0820 406-598-6294
03/26/2018	812374	Verizon Wireless	General	\$ 85.02	PRPL-Cemetery
03/26/2018	812375	Verizon Wireless	Public Safety	\$ 40.01	Police US Marshall Toughbooks
03/26/2018	812374	Verizon Wireless	General	\$ 38.84	PRPL-PARK SHOPS
03/26/2018	812374	Verizon Wireless	General	\$ 791.26	PRPL-PARKS
03/26/2018	812375	Verizon Wireless	General	\$ 40.01	PRPL-Parks PMD Air Card 406-794-6977
03/26/2018	812375	Verizon Wireless	General	\$ 1.43	PRPL-Recreation 406-696-1197 Batting Cages
03/26/2018	812374	Verizon Wireless	P.W. Admin	\$ 36.38	Public Works Admin
03/26/2018	812375	Verizon Wireless	Wastewater	\$ 16.18	PW Belknap-Air 60/40
03/26/2018	812374	Verizon Wireless	Engineering	\$ 168.86	PW-Engineering
03/26/2018	812375	Verizon Wireless	Water	\$ 10.79	PW Belknap-Air 60/40
03/26/2018	812374	Verizon Wireless	Solid Waste	\$ 48.70	PW-Solid Waste
03/26/2018	812375	Verizon Wireless	Water	\$ 392.48	PW Belknap Meter Shop
03/26/2018	812374	Verizon Wireless	Street/Traffic Oper	\$ 182.14	PW-STRT TRFC Streets
03/26/2018	812374	Verizon Wireless	Solid Waste	\$ 67.63	PW-SW-ON CALL Solid Waste On Call
03/26/2018	812375	Verizon Wireless	Water	\$ 26.97	PWBLKNP Water Treatment
03/26/2018	812374	Verizon Wireless	Water	\$ 440.23	PWBELKNAP-DIST COLL
03/26/2018	812375	Verizon Wireless	Water	\$ 152.20	PWBLNP Comm-Meter CityWorks/Neptune
03/26/2018	812375	Verizon Wireless	Water	\$ 129.46	PW-DIS-COLL Cityworks 60/40
03/26/2018	812374	Verizon Wireless	Wastewater	\$ 293.49	PWBELKNAP-DIST COLL
03/26/2018	812375	Verizon Wireless	Wastewater	\$ 86.30	PW-DIS-COLL Cityworks 60/40
03/26/2018	812374	Verizon Wireless	Water	\$ 156.36	PWBELKNAP-WT Water Treatment
03/26/2018	812375	Verizon Wireless	Water	\$ 232.57	PW-Distribution Collection Tablets 60/40
03/26/2018	812374	Verizon Wireless	Water	\$ 445.68	PWBLKNP MTRSHOP
03/26/2018	812375	Verizon Wireless	Wastewater	\$ 155.05	PW-Distribution Collection Tablets 60/40
03/26/2018	812374	Verizon Wireless	Water	\$ 70.36	PWBLKNP OFFICE
03/26/2018	812375	Verizon Wireless	Engineering	\$ 134.85	PW-Engineering
03/26/2018	812374	Verizon Wireless	Wastewater	\$ 46.91	PWBLKNP OFFICE
03/26/2018	812375	Verizon Wireless	Street/Traffic Oper	\$ 53.94	PW-Streets
03/26/2018	812374	Verizon Wireless	Water	\$ 58.63	PWBLKNP STORES
03/26/2018	812375	Verizon Wireless	Street/Traffic Oper	\$ 161.82	PW-Streets City Works
03/26/2018	812374	Verizon Wireless	Wastewater	\$ 19.55	PWBLKNP STORES

Check Date	Check #	Name	Fund Name	Amount	Item Desc
03/26/2018	812375	Verizon Wireless	Solid Waste	\$ 107.88	PW-Solid Waste
03/26/2018	812374	Verizon Wireless	Wastewater	\$ 421.08	PWBLNP-WWTRMNT1 Wastewater
03/26/2018	812375	Verizon Wireless	Solid Waste	\$ 214.84	PW-SW-ON CALL Solid Waste On Call
03/26/2018	812374	Verizon Wireless	Telephone System	\$ 29.57	TeleComm Manager
03/26/2018	812375	Verizon Wireless	Solid Waste	\$ 429.30	Solid Waste Tablets -Routware
03/26/2018	812374	Verizon Wireless	Transit	\$ 39.88	Trans-On Call MET
03/26/2018	812375	Verizon Wireless	Water	\$ 1,065.17	PWBELKNAP-WT Water Treatment -Phones
03/26/2018	812374	Verizon Wireless	Transit	\$ 13.28	Transit MET
03/26/2018	812375	Verizon Wireless	Wastewater	\$ 558.90	PWBLKNP Electricians -Phones
03/26/2018	812374	Verizon Wireless	Wastewater	\$ 106.63	PWBLNP-ENVIRONMENTAL 406-698-1590
03/26/2018	812374	Verizon Wireless	General	\$ (15.79)	PRPL-Parks Seasonal
03/26/2018	812375	Verizon Wireless	Wastewater	\$ 338.60	PWBLNP- Wastewater Treatment Plant -
03/26/2018	812374	Verizon Wireless	General	\$ (161.63)	PRPL Rec Seasonal
03/26/2018	812374	Verizon Wireless	Public Safety	\$ 199.99	iPhone 7 -Jeremiah Adams -K-9 Police
03/26/2018	812374	Verizon Wireless	General	\$ (100.00)	Phone Credit -Brad Knutson -Rec Dept.
03/26/2018	812374	Verizon Wireless	Facilities Mngmt	\$ (1.36)	411 surcharge credit -Keith Kuntz
03/26/2018	812377	Wyatt Engineering LLC	Water	\$ 14,200.00	30" PMT Flow Tube for new Zone 2 High
03/26/2018	812377	Wyatt Engineering LLC	Water	\$ 320.87	PO 18-000184 W/ FREIGHT FEE

Consent 1. K. 2.

Regular City Council Meeting

Meeting Date: 04/23/2018
TITLE: Payment of Claims April 2, 2018
PRESENTED BY: Andy Zoeller
Department: City Hall Administration
Presentation: No

PROBLEM/ISSUE STATEMENT

Claims in the amount of \$604,566.65 have been audited and are presented for City Council payment approval. A complete listing of the claims dated April 2, 2018, is available in the Finance Department.

ALTERNATIVES ANALYZED

No other alternatives were analyzed.

FINANCIAL IMPACT

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

RECOMMENDATION

Staff recommends that Council approve the Payment of Claims.

APPROVED BY CITY ADMINISTRATOR

Attachments

council memo 04/02/2018

Check Date	Check #	Name	Fund Name	Amount	Item Desc
04/02/2018	812382	A & E Architects, PC	Water	\$ 6,738.53	WO 18-12 Belknap Office Remodel
04/02/2018	812382	A & E Architects, PC	Wastewater	\$ 4,492.35	WO 18-12 Belknap Office Remodel
04/02/2018	812383	A-1 Landscaping & Nursery	Parking	\$ 2,257.50	Removal of snow from city owned parking garage roof top
04/02/2018	812383	A-1 Landscaping & Nursery	Parking	\$ 4,437.50	Removal of snow from city owned parking garage roof top
04/02/2018	812383	A-1 Landscaping & Nursery	Parking	\$ 5,220.00	Removal of snow from city owned parking garage roof top
04/02/2018	812383	A-1 Landscaping & Nursery	Parking	\$ 3,240.00	Removal of snow from city owned parking garage roof top
04/02/2018	812390	American Title & Escrow	CDBG	\$10,000.00	FTHB Heather Schutz 1540 Burlington Avenue
04/02/2018	812395	AVI Systems Inc	General	\$12,391.83	Audio Visual Muni Court/Council Chambers
04/02/2018	812402	Brenntag Pacific Inc	Street/Traffic Oper	\$ 7,421.82	liquid hicothaw for melting snow on streets
04/02/2018	812408	Century Link	Parking	\$ 49.37	406-252-2041 Park 2 Elevator Phone
04/02/2018	812408	Century Link	Airport	\$ 98.74	406-252-9412 Airport
04/02/2018	812408	Century Link	Transit	\$ 50.77	406-254-7038 MET Transit
04/02/2018	812408	Century Link	Fleet	\$ 54.04	406-256-5047 Motor Pool
04/02/2018	812408	Century Link	Airport	\$ 52.45	406-256-7070 Airport
04/02/2018	812408	Century Link	Public Safety	\$ 49.37	406-651-0282 Fire 5 911 Line
04/02/2018	812408	Century Link	General	\$ 49.37	406-652-0269 Cemetery FAX Line
04/02/2018	812408	Century Link	General	\$ 52.45	406-652-5507 Parks
04/02/2018	812408	Century Link	Street/Traffic Oper	\$ 37.87	406-652-8104 PW Traffic Signal 24 Central
04/02/2018	812408	Century Link	General	\$ 40.14	406-652-8403 Stewart Park Batting Cages
04/02/2018	812408	Century Link	Public Safety	\$ 49.37	406-655-0728 Fire Maintenance Shop
04/02/2018	812408	Century Link	City County Planning	\$ 36.83	406-656-9578 Planning Traffic Central Broadwater
04/02/2018	812408	Century Link	City County Planning	\$ 36.83	406-656-9604 Planning Traffic Central 9th
04/02/2018	812408	Century Link	General	\$ 36.83	406-657-3014 Parks 3890 Stillwater
04/02/2018	812408	Century Link	Telephone System	\$ 2,719.87	406-657-8377 Main System Centrex
04/02/2018	812408	Century Link	Airport	\$ 57.18	406-256-6014 Airport P9 Building
04/02/2018	812408	Century Link	Airport	\$ 57.18	406-252-0721 Airport 1FB Line
04/02/2018	812408	Century Link	Telephone System	\$ 116.72	406-657-3009 PUD Measured Lines 406-247-8579
04/02/2018	812408	Century Link	Parking	\$ 36.83	406-657-3054 Park 1 Elevator Phone
04/02/2018	812408	Century Link	Telephone System	\$ 79.89	406-252-3774 BOC Measured Lines 406-252-3789
04/02/2018	812408	Century Link	EOC 911	\$ 0.50	406-255-9702 E911 Backup Line 4 Call Reroute
04/02/2018	812408	Century Link	Solid Waste	\$ 50.77	406-256-7001 Solid Waste Scale House
04/02/2018	812417	Conrad	Police Programs	\$ 1,254.00	Registration for the Northwest Alcohol Conference
04/02/2018	812417	Conrad	Police Programs	\$ 2,480.00	Airfare for Northwest Alcohol Conference
04/02/2018	812417	Conrad	Public Safety	\$ 78.63	Travel Reimbursement 7779 - Liquor Administration Trial

Check Date	Check #	Name	Fund Name	Amount	Item Desc
04/02/2018	812418	Cotter's Sewer Service, Inc.	Storm Sewer	\$ 3,752.50	Sewer issue - 82 Shamrock C
04/02/2018	812418	Cotter's Sewer Service, Inc.	Storm Sewer	\$ 1,091.00	Sewer issue - 82 Shamrock Ct
04/02/2018	812424	Desert Mountain Corporation	Street/Traffic Oper	\$ 4,986.11	ice slicer used to melt snow on streets
04/02/2018	812424	Desert Mountain Corporation	Street/Traffic Oper	\$ 5,035.29	ice slicer used to melt snow on streets
04/02/2018	812424	Desert Mountain Corporation	Street/Traffic Oper	\$ 5,101.61	ice slicer used to melt snow on streets
04/02/2018	812424	Desert Mountain Corporation	Street/Traffic Oper	\$ 5,113.15	ice slicer used to melt snow on streets
04/02/2018	812425	Dixie Petro-Chem	Water	\$ 1,716.00	Bulk Chlorine for WTP
04/02/2018	812425	Dixie Petro-Chem	Water	\$ 3,432.00	Bulk Chlorine for WTP
04/02/2018	812431	Empire Garage Owner's Association	Parking	\$ 7,837.42	City of Billings March Assessment
04/02/2018	812448	HDR, Inc.	Solid Waste	\$79,115.44	WO 17-12 Landfill Drop-off Facility
04/02/2018	812448	HDR, Inc.	Water	\$ 2,701.53	WO 18-16 Filter Bldg Console Replacement
04/02/2018	812448	HDR, Inc.	Water	\$23,332.47	WO 15-21 Logan Reservoir/Pump Station
04/02/2018	812449	High Point Networks LLC	Information Resources	\$19,200.00	Qty.300 Traps Advanced Endpoint Protection Licenses
04/02/2018	812451	Hotsy Wy-Mont	Street/Traffic Oper	\$ 3,500.00	refurbished steamer
04/02/2018	812466	Kadrmass Lee & Jackson	Storm Sewer	\$12,912.50	WO 17-07 Hilltop Rd & Aronson Ave Storm Drain Extension
04/02/2018	812469	Kittelsohn & Associates Inc	City County Planning	\$16,333.58	2018 Billings Urban Area LRTP & PPP
04/02/2018	812471	L P Anderson Tire Co. Inc.	Public Safety	\$ 17.50	1092807
04/02/2018	812471	L P Anderson Tire Co. Inc.	Public Safety	\$ 2,788.00	1092851
04/02/2018	812483	Montana Controls LLC	Water	\$ 2,630.29	ZONE 2 E. FLOW METER REPLACEMENT
04/02/2018	812484	Montana Dakota Utilities Co	General	\$ 26.62	061 943 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Public Safety	\$ 14.26	062 907 9494 7
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 220.35	010 490 1000 0
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 58.74	110 490 1000 9
04/02/2018	812484	Montana Dakota Utilities Co	Library	\$ 1,703.85	219 924 4851 0
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$ 5,408.03	293 780 1000 2
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 507.91	209 077 5055 6
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 403.78	210 490 1000 8
04/02/2018	812484	Montana Dakota Utilities Co	Facilities Mngmt	\$ 297.24	130 733 1000 8
04/02/2018	812484	Montana Dakota Utilities Co	Public Safety	\$ 1,197.16	169 233 1000 3
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 101.11	510 490 1000 5
04/02/2018	812484	Montana Dakota Utilities Co	Public Safety	\$ 112.59	514 117 0478 9
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 3,614.07	500 490 1000 7
04/02/2018	812484	Montana Dakota Utilities Co	Public Safety	\$ 447.33	442 190 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	General	\$ 448.39	437 780 1000 9

Check Date	Check #	Name	Fund Name	Amount	Item Desc
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$ 349.45	410 490 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 1,048.35	410 490 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$ 251.98	310 490 1000 7
04/02/2018	812484	Montana Dakota Utilities Co	General	\$ 91.39	371 101 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Parking	\$ 239.74	303 725 2591 2
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 755.95	310 490 1000 7
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$10,816.07	293 780 1000 2
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$ 5,408.03	293 780 1000 2
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 73.83	527 033 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	Public Safety	\$ 669.52	533 653 1000 1
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 101.11	566 923 1000 8
04/02/2018	812484	Montana Dakota Utilities Co	General	\$ 395.90	571 295 3342 8
04/02/2018	812484	Montana Dakota Utilities Co	Engineering	\$ 257.86	595 373 1000 1
04/02/2018	812484	Montana Dakota Utilities Co	P.W. Admin	\$ 64.47	595 373 1000 1
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 59.63	600 490 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 59.63	600 490 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 27.22	610 490 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 94.45	666 923 1000 7
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 380.79	700 490 1000 5
04/02/2018	812484	Montana Dakota Utilities Co	Parking	\$ 14.26	717 353 1000 6
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$ 30.33	735 453 1000 2
04/02/2018	812484	Montana Dakota Utilities Co	Facilities Mngmt	\$ 3,112.77	757 633 1000 2
04/02/2018	812484	Montana Dakota Utilities Co	Solid Waste	\$ 687.71	770 390 1000 2
04/02/2018	812484	Montana Dakota Utilities Co	Parking	\$ 77.83	799 152 1209 0
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 122.88	800 490 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 128.93	832 001 1000 1
04/02/2018	812484	Montana Dakota Utilities Co	Wastewater	\$ 28.43	868 563 1000 7
04/02/2018	812484	Montana Dakota Utilities Co	Public Safety	\$ 1,091.05	885 880 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	Water	\$ 1,173.81	900 490 1000 3
04/02/2018	812484	Montana Dakota Utilities Co	General	\$ 118.63	927 890 1000 3
04/02/2018	812484	Montana Dakota Utilities Co	Facilities Mngmt	\$ 3,235.89	929 780 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	Transit	\$ 2,966.06	962 880 1000 0
04/02/2018	812484	Montana Dakota Utilities Co	Facilities Mngmt	\$ 985.52	993 733 1000 4
04/02/2018	812484	Montana Dakota Utilities Co	Facilities Mngmt	\$ 6,498.66	989 733 1000 0

Check Date	Check #	Name	Fund Name	Amount	Item Desc
04/02/2018	812487	Montana State Fireman's Assoc	Sidewalk Debt Svc	\$ 3,364.57	Payroll Summary
04/02/2018	812489	Morrison Maierle Inc	Water	\$17,678.50	WO 17-16 Zone 4 North Fox Pump Station
04/02/2018	812494	Municipal Emergency Services Inc.	Public Safety	\$ 933.80	Custom Point Blank - C Series
04/02/2018	812494	Municipal Emergency Services Inc.	Public Safety	\$ 2,293.20	Custom Point Blank - C Series
04/02/2018	812494	Municipal Emergency Services Inc.	Police Programs	\$ 4,100.00	HLM108KT00, CUSTOM POINT BLANK- HELMET
04/02/2018	812494	Municipal Emergency Services Inc.	Police Programs	\$ 35.39	Invoice IN1190145 - Shipping
04/02/2018	812494	Municipal Emergency Services Inc.	Police Programs	\$ 1,074.08	HLMH100000 CUSTOM POINT BLANK- HELMET
04/02/2018	812494	Municipal Emergency Services Inc.	Police Programs	\$ 1,081.92	HLMH990000 CUSTOM POINT BLANK- HELMET
04/02/2018	812494	Municipal Emergency Services Inc.	Police Programs	\$ 1,640.00	HLM108KT00, CUSTOM POINT BLANK- HELMET
04/02/2018	812494	Municipal Emergency Services Inc.	Police Programs	\$ 854.56	HLMH910000 CUSTOM POINT BLANK-HELMET COVER
04/02/2018	812494	Municipal Emergency Services Inc.	Public Safety	\$ 23.52	Invoice IN1193507 - Shipping
04/02/2018	812501	NorthWestern Energy	Transit	\$ 24.06	0712764-0
04/02/2018	812501	NorthWestern Energy	Airport	\$ 600.83	0712809-3. IP-11 (12) Alpine. March 2018
04/02/2018	812501	NorthWestern Energy	Parking	\$ 835.34	0720829-1
04/02/2018	812501	NorthWestern Energy	Parking	\$ 6,617.43	0720834-1
04/02/2018	812501	NorthWestern Energy	Public Safety	\$ 374.34	0720840-8
04/02/2018	812501	NorthWestern Energy	Radio	\$ 259.67	0721580-9
04/02/2018	812501	NorthWestern Energy	General	\$ 116.65	0722251-6
04/02/2018	812501	NorthWestern Energy	General	\$ 5.85	0722247-4
04/02/2018	812501	NorthWestern Energy	General	\$ 5.85	0722237-5
04/02/2018	812501	NorthWestern Energy	Water	\$ 282.93	0722252-4
04/02/2018	812501	NorthWestern Energy	General	\$ 35.22	0722257-3
04/02/2018	812501	NorthWestern Energy	General	\$ 98.48	0722255-7
04/02/2018	812501	NorthWestern Energy	General	\$ 116.70	0722266-4
04/02/2018	812501	NorthWestern Energy	General	\$ 10.99	0722269-8
04/02/2018	812501	NorthWestern Energy	General	\$ 20.35	0722293-8
04/02/2018	812501	NorthWestern Energy	General	\$ 12.66	0722292-0
04/02/2018	812501	NorthWestern Energy	General	\$ 5.85	0722905-7
04/02/2018	812501	NorthWestern Energy	General	\$ 89.22	0722933-9
04/02/2018	812501	NorthWestern Energy	General	\$ 107.16	0723035-2
04/02/2018	812501	NorthWestern Energy	General	\$ 7.43	0723036-0
04/02/2018	812501	NorthWestern Energy	General	\$ 53.58	0723042-8
04/02/2018	812501	NorthWestern Energy	General	\$ 190.06	0723037-8
04/02/2018	812501	NorthWestern Energy	Airport	\$26,815.31	0100482-9. Main Vault Acct. March 2018

Check Date	Check #	Name	Fund Name	Amount	Item Desc
04/02/2018	812501	NorthWestern Energy	Facilities Mngmt	\$ 5,566.81	0100507-3
04/02/2018	812501	NorthWestern Energy	Airport	\$ 63.61	0719616-5. ARFF Facility Lights. March 2018
04/02/2018	812501	NorthWestern Energy	General	\$ 101.37	0712683-2
04/02/2018	812501	NorthWestern Energy	Airport	\$ 1,057.42	0712800-2. IP-9. March 2018
04/02/2018	812501	NorthWestern Energy	General	\$ 544.31	0712387-0
04/02/2018	812501	NorthWestern Energy	Airport	\$ 386.09	01712792-1. IP-7. March 2018
04/02/2018	812501	NorthWestern Energy	General	\$ -	0722265-6
04/02/2018	812501	NorthWestern Energy	General	\$ -	0723027-9
04/02/2018	812501	NorthWestern Energy	General	\$ -	0723038-6
04/02/2018	812501	NorthWestern Energy	General	\$ -	0723051-9
04/02/2018	812501	NorthWestern Energy	General	\$ -	0723052-7
04/02/2018	812501	NorthWestern Energy	General	\$ -	0723170-7
04/02/2018	812501	NorthWestern Energy	General	\$ -	0722262-3
04/02/2018	812501	NorthWestern Energy	General	\$ -	0722261-5
04/02/2018	812501	NorthWestern Energy	General	\$ -	0722260-7
04/02/2018	812501	NorthWestern Energy	Parking	\$ 118.34	3463478-2
04/02/2018	812501	NorthWestern Energy	Parking	\$ 646.44	3279035-4
04/02/2018	812501	NorthWestern Energy	Parking	\$ 2,314.03	3067416-2
04/02/2018	812501	NorthWestern Energy	Public Safety	\$ 289.15	1984155-0
04/02/2018	812501	NorthWestern Energy	Public Safety	\$ 357.93	1984150-1
04/02/2018	812501	NorthWestern Energy	Transit	\$ 343.57	1784756-7
04/02/2018	812501	NorthWestern Energy	Parking	\$ 1,153.29	1594282-4
04/02/2018	812501	NorthWestern Energy	Parking	\$ 1,710.71	1569636-2
04/02/2018	812501	NorthWestern Energy	Parks Maintenance	\$ 95.33	1059093-3
04/02/2018	812501	NorthWestern Energy	General	\$ 5.85	0831702-6
04/02/2018	812501	NorthWestern Energy	General	\$ 36.12	0789437-1
04/02/2018	812501	NorthWestern Energy	Street/Traffic Oper	\$ 5.85	0723645-8
04/02/2018	812501	NorthWestern Energy	Street/Traffic Oper	\$ 5.85	0723644-1
04/02/2018	812501	NorthWestern Energy	General	\$ 5.85	0723162-4
04/02/2018	812501	NorthWestern Energy	General	\$ 7.35	0723090-7
04/02/2018	812501	NorthWestern Energy	General	\$ 20.87	0723058-4
04/02/2018	812501	NorthWestern Energy	General	\$ 7.80	0723057-6
04/02/2018	812501	NorthWestern Energy	General	\$ 28.44	0723056-8
04/02/2018	812501	NorthWestern Energy	General	\$ 10.11	0723055-0

Check Date	Check #	Name	Fund Name	Amount	Item Desc
04/02/2018	812501	NorthWestern Energy	General	\$ 50.80	0723054-3
04/02/2018	812501	NorthWestern Energy	General	\$ 19.45	0723044-4
04/02/2018	812507	RDO Equipment Co.	Street/Traffic Oper	\$ 3,763.50	rental of loader
04/02/2018	812507	RDO Equipment Co.	Street/Traffic Oper	\$ 3,648.00	rental of loader from 1/8/18 to 1/15/18
04/02/2018	812507	RDO Equipment Co.	Street/Traffic Oper	\$ 3,648.00	rental of loader from 12/31/17 to 1/7/18.
04/02/2018	812508	Reddi Electric	Transit	\$12,710.61	Upgrade/replacement - exterior lighting upgrades.
04/02/2018	812510	Rimrock Foundation	Municipal Court Grants	\$ 3,192.26	Feb. 18 No insurance, co-pays, deductibles
04/02/2018	812510	Rimrock Foundation	Municipal Court Grants	\$ 1,658.27	Feb. 18 Rimrock Day Treatment
04/02/2018	812510	Rimrock Foundation	Municipal Court Grants	\$ 840.00	Feb. 2018 Ancillary Groups
04/02/2018	812510	Rimrock Foundation	Municipal Court Grants	\$ 600.00	Feb. 2018 Screenings
04/02/2018	812517	Securitas Security Services USA, Inc	Parking	\$ 1,088.33	Security Patrol in City owned Parking Garages
04/02/2018	812517	Securitas Security Services USA, Inc	Parking	\$ 1,088.34	Security Patrol in City owned Parking Garages
04/02/2018	812517	Securitas Security Services USA, Inc	Parking	\$ 1,088.33	Security Patrol in City owned Parking Garages
04/02/2018	812520	Simply Family Magazine Inc	General	\$ 3,800.00	Advertising for April issue camp guide
04/02/2018	812531	The Babcock LLC	General	\$ 3,194.62	2018 February Theater Expenses
04/02/2018	812531	The Babcock LLC	General	\$ 2,398.21	Unit 1A February 2018 Condo Expenses
04/02/2018	812533	Titan Machinery Inc	Street/Traffic Oper	\$ 23.25	10550255
04/02/2018	812533	Titan Machinery Inc	Street/Traffic Oper	\$ 1,218.08	10574611
04/02/2018	812533	Titan Machinery Inc	Street/Traffic Oper	\$ 2,330.00	brooms for sweepers
04/02/2018	812533	Titan Machinery Inc	Street/Traffic Oper	\$ 399.30	10543075
04/02/2018	812533	Titan Machinery Inc	Street/Traffic Oper	\$ 288.38	10550255
04/02/2018	812535	TNT Springs Inc	Fleet	\$ 1,424.00	173045 PO NUM 305570
04/02/2018	812535	TNT Springs Inc	Street/Traffic Oper	\$ 300.78	173196
04/02/2018	812535	TNT Springs Inc	Water	\$ 500.00	NONSTOCKING ITEMS-P.U.D.
04/02/2018	812535	TNT Springs Inc	Fleet	\$ 451.36	173098 PO NUM 305570
04/02/2018	812537	Town & Country Supply Association	Fleet	\$13,641.24	306600 PO NUM 305565
04/02/2018	812537	Town & Country Supply Association	Water	\$15,210.44	WATER PARTS AND SUPPLIES PO NUM 305507
04/02/2018	812537	Town & Country Supply Association	Fleet	\$19,234.80	302797 PO NUM 305587
04/02/2018	812537	Town & Country Supply Association	Fleet	\$ 8,774.67	306538 PO NUM 305565
04/02/2018	812537	Town & Country Supply Association	Water	\$14,292.60	WATER PARTS AND SUPPLIES PO NUM 305508
04/02/2018	812554	Yellowstone Valley Animal Shelter	Public Safety	\$22,855.58	contract 2-22-18\3-21-18

Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Public Hearing & Action on Community Development Annual Action Plan and Budget Allocations

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The City Council is scheduled to hold a public hearing on the FY 2018-2019 Annual Action Plan for the Community Development Division and the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program funding. The public hearing is a mandatory condition to receive U.S. Department of Housing and Urban Development (HUD) entitlement funding. City Council action is needed to approve the Annual Action Plan and budget recommendations in preparation for HUD submission (see Attachment A). A preliminary informational presentation was made during the City Council Work Session on April 16.

ALTERNATIVES ANALYZED

City Council may:

1. Hold a public hearing and approve the allocation of CDBG and HOME funding and the FY2018-2019 Action Plan as recommended by Staff and the Community Development Board.
2. Hold a public hearing and approve the allocation of CDBG and HOME funding and the FY2018-2019 Action Plan based on alternative funding strategies as determined by the City Council (please refer to the Funding Allocation Requirements section of this Council memo).
3. Hold a public hearing and not approve allocations of CDBG and HOME funding and the FY2018-2019 Action Plan. Under this scenario, all federal funding would be returned to HUD and programs would not be administered.

FINANCIAL IMPACT

Staff anticipates an approximate allocation of \$650,000 in new CDBG and \$350,000 in HOME funding to the City of Billings for use in affordable housing and other projects benefiting low income residents. The final HUD allocation amount has yet to be determined, and changes in funding amounts or program adjustments may occur. Additional CDBG and HOME funding is anticipated through loan repayments in programs such as First Time Home Buyer and Housing Rehabilitation. The Corporation for National and Community Service has awarded the City of Billings approximately \$500,000 in federal funds to support the Billings Metro VISTA Project contingent on the City's CDBG allocation supporting the program.

Estimated federal revenues for CDBG and HOME programs and Staff / Community Development Board recommendations are attached (Attachment B). Recommendations comply with funding limitation requirements. Any program income received will be allocated on a

property closing and shovel-ready basis in previously approved programs, such as First Time Home Buyer, Housing Rehabilitation, Foreclosure Acquisition / Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and the Billings Metro VISTA Project.

BACKGROUND

Introduction

The five-year Consolidated Plan for FY2015-2019, approved by City Council in April 2015, is required for participation by the City of Billings in HUD programs; CDBG and HOME. The purpose of the Consolidated Plan is to identify the housing and community development needs of low-income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated manner utilizing available federal and non-federal resources. The Plan addresses current housing needs and the priorities identified in the Plan's Housing Needs Assessment, Market Analysis and the 2013 Analysis of Impediments to Fair Housing Choice, as required by HUD. The assessment and analysis documents can be viewed online at www.CityofBillings.net/CDreports.

The City is also required to prepare and submit Annual Action Plans in alignment with priority needs identified in the five-year Consolidated Plan. The Community Development Board has completed the public input process and funding allocation recommendations for the FY2018-2019 Annual Action Plan.

Procedural History

The City of Billings has been a recipient of CDBG funds since the mid-1970s and HOME funds since the early 1990s (nearly \$44 million). These funds have been provided and monitored by the federal government and must be primarily targeted in Billings to address community affordable housing and poverty-impact needs.

To allocate CDBG and HOME resources, the Community Development Division and Board facilitated an extensive process to gather public input on the use of federal funds. Applications were available at the beginning of December and due at the end of January. Applications were then forwarded to the Community Development Board and recommendations were prepared for City Council consideration. Neighborhood Task Force and community input was solicited in February and March on proposed projects. The Community Development Board prepared recommendations for the use of CDBG and HOME funds on April 3, during the Board's monthly meeting.

The City Council public hearing is required by HUD and is part of a 30-day minimum public comment period beginning March 24 and extending to April 23. The City Council is also scheduled to act on the CDBG and HOME programs during the April 23 meeting. The Annual Action Plan will then be submitted to HUD for review and, pending HUD approval, the program year will begin July 1.

Funding Allocation Requirements

Allocation recommendations conform to pre-determined spending requirements on several categories including: CDBG and HOME administration caps (maximum of 20% and 10% of new funding respectively); public service caps (up to 15% of new CDBG funding); and Community Housing Development Organizations (at least 15% of new HOME funding). Changes made out of compliance with federal spending requirements would place the City's entitlement status for federal funds at risk.

The allocation of funding is restricted by eligibility requirements for CDBG and HOME and must meet pressing citywide community needs as identified in the Consolidated Plan; affordable housing, housing choice, and poverty-impact. HUD policy prohibits the use of federal funds to supplant local government funds on projects communities typically underwrite, regardless of whether federal grant dollars are available.

Funding Recommendation History

The City's CDBG and HOME funding allocations changed significantly in 2008 when the City Council asked the Community Development Board to reassess decision-making processes for repetitive grant requests. At that time, the City was funding 36 projects for FY2008-2009; 26 of which were grants to nonprofit organizations.

Council members noted that federal funds should be utilized as seed money to get organizations to seek other funding sources and repetitive grant awards impeded incentive to become self-sustaining. Council instructed staff to perform research on the City's grants to nonprofits to determine the degree of repetition in grant awards.

In 2009, Council noted appreciation for the Community Development Board's efforts to decrease the number of grants issued and allocate larger funding amounts to fewer organizations, while implementing three-year awards. A total of five public service grant awards were issued to nonprofit organizations. Two additional organizations received grant awards to carry out home repair programs.

In 2012, HUD's funding allocations plummeted to the lowest levels in history. The Community Development Board asked City staff to expand research previously conducted to include total monetary value of grants issued versus loans / liens. From 1994 to 2012, the Community Development Division issued over \$6.6 million in grants, over \$9 million in loans and placed liens of over \$2 million on affordable housing projects.

<u>Grants</u>	<u>Amounts</u>	<u>Total</u>
Subrecipients (317 activities)	\$3,267,340	
Infrastructure	\$708,014	
Parks	\$866,713	\$6,636,565
Special Assessment Grants	\$493,295	
Home Repair Programs	\$1,130,494	
Affordable Housing	\$170,709	

<u>Loans</u>	<u>Amounts</u>	<u>Total</u>
First Time Homebuyer	\$5,562,790	
Home Repair Programs	\$3,261,694	\$9,320,115
Affordable Housing	\$495,631	

<u>Liens</u>	<u>Amounts</u>	<u>Total</u>
Affordable Housing	\$1,854,677	
Rental Rehabilitation	\$318,028	\$2,172,705

That year, nine nonprofit agencies applied for grant funds and they were polled regarding the impact of not receiving funds. All of the organizations stated their agencies would remain open, but they may reduce the number of clients they could serve.

As a result, the Board made budget recommendations reflecting fiscal responsibility and sustainability, while prioritizing housing programs as per HUD requirements. The likelihood of continuing housing activities would substantially diminish if the City continued to fund grant programs not generating program income. The Board evaluated the long-term sustainability of operating loan programs rather than issuing grants. Four City programs were eliminated and substantial reductions were made in the three remaining home buyer / repair programs. Grants were not issued to nonprofit organizations for the first time since the 1970s.

In 2015, staff was asked to create a document illustrating the history of allocation and funding changes from grant to loan programs (updated for 2017 as Attachment C). From 1994 to 2015, over \$2.7 million in grants has been awarded to 40+ nonprofit organizations. Some organizations were only funded once and many had been funded repetitively; up to 24 awards. Total grant awards by organization ranged from \$2,000 to \$329,628.

FY2018-2019 Budget Recommendations

Estimated CDBG budget recommendations include the following:

- Administration set at the maximum cap; \$130,000.
- Housing Rehabilitation program support totaling \$100,000.
- Foreclosure Acquisition / Rehabilitation support totaling \$250,000.
- VISTA program support set at \$75,000, which will leverage approximately \$500,000 in grant funds from the Corporation for National and Community Service.
- Remaining CDBG funds to be allocated to the First Time Home Buyer program; \$95,000.

Estimated HOME budget recommendations include the following:

- Administration set at the maximum cap; \$35,000
- 15% of new HOME program funding set aside for Community Housing Development Organizations - as per federal regulation; \$52,500.
- Remaining HOME funds to be allocated to the First Time Homebuyer Loan Program; \$262,500.

Staff will be required to adjust the funding amounts allocated to each program if and when HUD notifies the City of grant awards. New CDBG and HOME funding and incoming revenues will be ultimately allocated on a property closing and shovel-ready basis in order to ensure timely use of federal funds.

Program Income: Additional program income and revenues received will be allocated on a property closing / shovel-ready basis in previously approved programs. Program income must be allocated, committed and expended prior to drawing CDBG and HOME entitlement funds as per federal requirement.

Public Comment: Comments of the speakers at the public hearings may relate to funding amounts awarded, activities prioritized for funding with lower federal revenue allocations, and general comments regarding the Annual Action Plan for FY2018-2019.

Proposed Funding Cuts: Significant federal funding cuts and elimination of CDBG, HOME and

AmeriCorps VISTA funding has been recommended in federal budgets. Conversely, the passage of the Omnibus bill on March 23, 2018 resulted in unexpected increases in both CDBG and HOME. Also included in the Omnibus, the AmeriCorps VISTA program was funded at the same amount allocated last fiscal year.

While these increases are positive for ongoing program delivery, staff does not foresee this allocation to be indicative of a continuing future trend. If federal funding programs are reduced or eliminated, the City's federal Community Development programs would also be reduced or eliminated.

STAKEHOLDERS

Stakeholders for CDBG and HOME programs include:

1. Program Recipients - The City serves low income households through a variety of affordable housing programs such as home repair, home buyer, etc. Full descriptions of available programs can be found online at www.CityofBillings.net/comdev.
2. Neighborhood Task Forces - Task forces are consulted regarding housing and neighborhood programs relative to community need. Funding recommendations are in alignment with task force priorities including emphasis on housing repair and home buyer programs.
3. The Community Development Board - As an advisory body to the City Council, the Board provides detailed oversight to both the CDBG and HOME programs throughout the year. The Board also facilitates an extensive public input process to prepare recommendations for the City Council consideration. Six of nine total Community Development Board members are representatives of low-income neighborhoods either by residence or task force delegation, ensuring low-income citizen involvement of planning and allocation processes.
4. Non-Profit Organizations - Community organizations serving those experiencing poverty are supported by the Billings Metro VISTA Project. VISTA members assist in the provision of needed services to those in need.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

Consolidated Plan: Projects proposed are consistent with the goals and priorities of the FY2015-2019 Consolidated Plan for the use of CDBG & HOME resources in Billings. The following strategies have been approved by the City Council in the Consolidated Plan to address Billings' housing and community development needs:

Strategy A. Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.

Strategy B. Create affordable housing opportunities to further improve access to and quality of the affordable housing stock.

Strategy C. Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide.

Strategy D. Support housing and community development specific to lower income and special needs households through poverty-impact initiatives.

Additional information regarding each strategy is located in the drafted FY2018-2019 Annual Action Plan; Attachment A. The Consolidated Plan, including the Housing Needs Assessment and Market Analysis, Analysis of Impediments to Fair Housing Choice, and the drafted FY2018-2019 Action Plan can be found online: www.CityofBillings.net/CDreports.

Welcome Home Billings: The City's 10-year plan to impact homelessness was adopted by the City Council in October 2009. Allocations supporting the Billings Metro VISTA Project as the City's anti-poverty strategy meet CDBG regulations and provide an avenue for human resources to build the capacity of non-profit organizations serving those experiencing poverty.

City Council Strategic Plan: Projects align with the Council's Strategic Plan in the following strategies and objectives:

- **Comprehensive, Orderly Growth:** Develop, preserve and revitalize residential neighborhoods that are safe, attractive and provide diverse, affordable housing.
 - Dedicate resources to rehabilitate substandard housing via the provision of loan financing to lower income households in order to preserve and revitalize neighborhoods city-wide.
 - Dedicate resources to develop new affordable housing in all neighborhoods to promote inclusion, diversity, equal opportunity and access.
 - Dedicate resources to acquire and rehabilitate vacant and/or foreclosed properties in order to promote infill, stabilize neighborhoods, and prevent decline.
- **Sustainable Economic Development:** Provide a safe, healthy and attractive place to live and work; offer quality housing choices, accessible amenities and an environment that provides a desirable quality of life.
 - Dedicate resources to support homeownership and home repair opportunities through loan financing to low income households.
 - Support initiatives to alleviate poverty and promote economic opportunity through Welcome Home Billings, the city's ten-year plan to impact homelessness and the AmeriCorps Volunteers in Service to America (VISTA) program.
- **Involved, United Community:** Expand citizen participation in boards, commissions and other volunteer capacities to improve public understanding of and involvement in government functions.
 - Provide volunteer opportunities through the AmeriCorps VISTA and the Billings Metro VISTA Project.

SUMMARY

City staff and the Community Development Board have made recommendations for CDBG and HOME budgets and the FY2018-2019 Annual Action Plan is ready for Council adoption. The City Council is asked to consider public input received and make a final decision on the FY2018-2019 Annual Action Plan and accompanying CDBG and HOME budget.

RECOMMENDATION

City staff and the Community Development Board recommend that the City Council conduct a public hearing and approve the FY2018-2019 Annual Action Plan and budget allocations.

APPROVED BY CITY ADMINISTRATOR

Attachments

- A - Drafted FY18-19 Annual Action Plan
 - B - Estimated FY18-19 Revenue & Recommendations
 - C - Allocation & Funding History
-



CITY OF BILLINGS

Annual Action Plan

DRAFT

FY2018-2019

Community Development Division
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Billings, Montana 59101
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Section I: Executive Summary

Introduction

Five-year Consolidated Plans and one-year action plans are required by the United States Department of Housing and Urban Development (HUD) for the City of Billings to receive funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs (HOME). The City's five-year Consolidated Plan for FY2015-2019 identifies activities to be carried out from July 1, 2015 through June 30, 2020 to address priority needs in the community and serves as a guiding document for the use of the City's CDBG and HOME funding.

This one-year Annual Action Plan addresses priority needs and outlines the use of the City's CDBG and HOME funding for activities to be carried out from July 1, 2018 to June 30, 2019. Plans should be submitted to HUD 45 days prior to the start of the City's year start date; July 1.

Focused on CDBG and HOME activities, the Consolidated and Annual Action Plans combine the planning and application requirements for the CDBG and HOME programs. Consolidation of the submission requirements for the CDBG and HOME programs allows program planning and citizen participation to take place in a comprehensive context covering both programs. The CDBG and HOME programs covered by the Consolidated Plan have three basic goals:

- **To provide decent housing**, including: maintaining the affordable housing stock in the community; increasing the availability of permanent housing that is affordable to low income households without discrimination; increasing support of housing which enables persons with special needs to live independently; and assisting homeless persons to obtain affordable housing.
- **To provide a suitable living environment**, which includes: improving the safety and livability of neighborhoods; increasing access to quality facilities and services; reducing the isolation of low income households within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.
- **To expand economic opportunities**, including: creating jobs accessible to low income individuals; providing access to credit for community development activities which promote long-term economic and social viability; and empowering low income persons living in public and federally assisted housing to achieve self-sufficiency.

All activities undertaken by the City utilizing CDBG and HOME funding must primarily benefit low income persons. The strategies described in the Consolidated and Annual Action Plans outline a specific course of action for the community's housing and community development activities. The plan builds on local assets to meet the needs of the community and sets forth goals, objectives, and performance measures to ensure progress in achieving the strategies described herein.

The purpose of the Consolidated Plan is to identify the housing and community development needs of low income households in Billings and develop strategies for addressing those needs in a comprehensive, coordinated fashion utilizing available federal and nonfederal resources. The City must also report on the performance of activities funded via the Comprehensive Annual Performance Evaluation Report (CAPER) in September of each year. All of the City's documents can be found online at www.CityofBillings.net/CDreports.

The FY2015-2019 Consolidated Plan was developed following a process which integrated priorities identified via Needs Assessment, Market Analysis and the most current Analysis of Impediments to Fair Housing Choice. The development process also included input from neighborhood groups and a public hearing on housing and community development needs, relative to findings from all three research sources.

The FY2018-2019 Annual Action Plan was open for public comment extending from March 24 to April 23, 2018. A public hearing was held on April 23, 2018 during the Billings City Council meeting to accept public comments on the Annual Action Plan and to take action on proposed Community Development Board recommendations for funding allocation. The plan was approved by the Billings City Council on April 23, 2018.

Fair Housing / Equal Opportunity Planning: Historically, the five year cycle utilized for the Billings Analysis of Impediments to Fair Housing Choice has not coincided with the City's five year Consolidated Planning cycle. This schedule was implemented primarily due to the expense of conducting both fair housing and housing needs / market analyses in the same fiscal year. While HUD has recommended regional collaboration to affirmatively further fair housing and equal opportunity, the City's fair housing analyses have been limited to the City of Billings limits.

Therefore, the City of Billings is proposing to reconcile the timing of the fair housing assessment process with the City's five year Consolidated Plan cycle in order to heighten conformity to HUD's recommendations. Further, the City is committed to regional planning efforts along with other entitlement communities and the State of Montana.

In early 2017, the City of Billings started collaborating with entities across Montana to construct a regional 2020 fair housing analysis utilizing data and formatting recently made available through HUD's [Assessment of Fair Housing](#) initiative. This collaboration includes partnerships with the State of Montana's Department of Commerce (MDOC), the City of Missoula, and the City of Great Falls. Seven full-year AmeriCorps Volunteers in Service to America (VISTA) members have been placed to assist with this fair housing / equal opportunity initiative:

- **Montana Department of Commerce, Helena:** One member began in July 2017 and one additional member began in January 2018.
- **City of Billings:** One member began service in August 2017 in the Community Development Division. Two members began service in the Planning Division in January 2018.
- **Cities of Great Falls and Missoula:** One VISTA member was placed in each of these jurisdictions in January 2018.

In order to bridge the gap between the City's most recent fair housing study and the 2020 regional fair housing analysis, the City will continue to utilize language contained in the Analysis of Impediments to Fair Housing Choice for Annual Action Plan purposes.

Summary of the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Key Findings of the 2015 Needs Assessment: The City of Billings has been experiencing a rapid increase in population over the past several years. Historically, the City's population grew at a 1.5% annual rate and over the past several years, the population has grown by two percent each year.

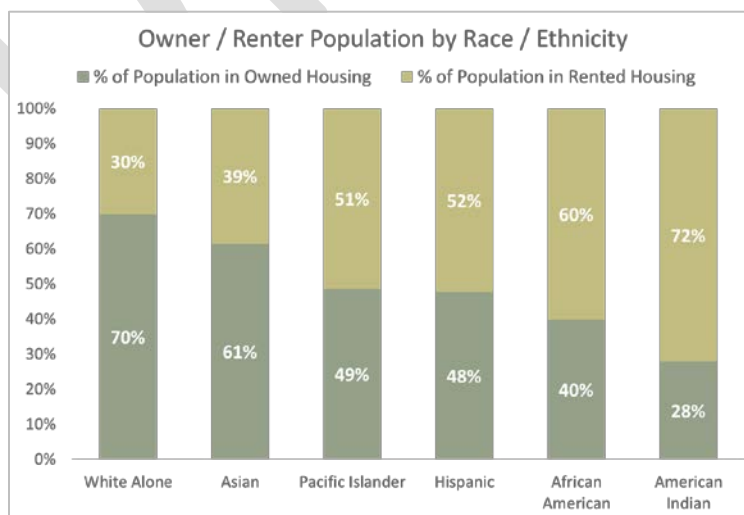
The two largest low income groups in the City are:

- Small family households (two to four members) with incomes from zero to 80% of the Area Median Income (AMI). For reference, the 2015 HOME income limits (the year the Assessment was completed) for a two person household at 80% AMI was \$41,100 and for a four person household the limit was \$51,350.
- Households with members aged at least 75 years with incomes from 30% to 80% AMI.

The most severe housing problem the City's residents experience is paying over 30% of their household income for housing expenses. This is a particularly acute issue for extremely low income households who are either small family or elderly households. Millennials and the elderly account for at least 40% of the City's population and these groups are also the fastest growing populations in Billings.

The need for the development of smaller rentals has reached critical levels; over 1,200 households are waiting for one-bedroom housing units, as per the Housing Authority of Billings (2015). Low vacancy rates and the higher costs of housing have created a tight rental market, particularly for those seeking housing with the assistance of a voucher. Over half of voucher holders in Billings have not been able to secure housing, either due to high rent costs or poor unit conditions.

The City's Analysis of Impediments to Fair Housing Choice identified the beginnings of segregated neighborhoods and lending discrimination for Hispanic Americans in Billings. There appears to be a dual housing market; one for Whites and Asians and one for American Indians, Hispanics and African Americans. Differences between actual and expected racial / ethnic census tract composition are likely due to housing discrimination. The probability of a dual, discriminative market exacerbates access to local housing, particularly for minorities and special populations. The percentage of Whites who own homes is also significantly higher than that of minorities. Most minority households are renters.



2010 Census - Chart not uploaded into IDIS

The needs of special populations and those experiencing poverty continue to be a concern, including great needs relative to food security, healthcare, and the capacity of nonprofit organizations to provide resources to meet the needs of special populations. Homelessness is also on the rise; from 600 average people participating in an annual count survey (from 2005 to 2008) to 711 respondents on average from 2006 to 2014. The number of families experiencing homelessness has also increased; from an average of 80 families to 122 families.

As a result of findings discovered in the Needs Assessment and Market Analysis contained in the Consolidated Plan, priority needs for the Billings community are as follows:

- Affordable Housing Preservation
- New Affordable Housing Opportunity
- Housing Choice
- Poverty Impact

Strategies and Objectives (*IDIS text box*): The City's Consolidated Plan priorities have been distilled into the following strategies and objectives to meet priority needs:

- A: Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.
 - A1: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide.
 - A2: Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development.
- B: Create affordable housing opportunities to further improve access to, and quality of, affordable housing stock.
 - B1: Provide affordable financing and support to promote homeownership opportunities citywide.
 - B2: Provide homebuyer education to all households utilizing acquisition programs.
 - B3: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.
- C: Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide.
 - C1: Ensure equal opportunity and housing choice with all programs and activities citywide.
 - C2: Ensure core programs are implemented citywide to promote desegregation and inclusive neighborhoods.
- D: Support housing and community development specific to lower income and special needs households through poverty-impact initiatives.
 - D1: Encourage collaboration to better address needs and to respond to opportunities for special needs populations.

HUD Objectives and Outcomes

Added text box in IDIS

HUD has developed specific performance measurements for each activity undertaken utilizing CDBG and / or HOME funding. The City's application process for funding through these programs includes identification of HUD objectives and outcomes to ensure compliance with activity requirements.

HUD PERFORMANCE MEASUREMENTS	
Objectives	Outcomes
Suitable Living Environment	Availability or Accessibility
Decent Housing	Affordability
Economic Opportunities	Sustainability

Chart not uploaded into IDIS

HUD Objectives

- **Suitable Living Environment:** Activity benefits communities, families, or individuals by addressing issues in their living environment.
- **Decent Housing:** Housing activity that meets individual or community needs. This objective should not be used for activities where housing is an element of a larger effort.
- **Economic Opportunities:** Activity relates to economic development, commercial revitalization, and job creation.

HUD Outcomes

- **Availability / Accessibility:** Activity makes services, infrastructure, or shelter available and accessible. Please note: accessibility does not refer only to physical barriers.
- **Affordability:** Activity provides affordability in a variety of ways including: creation / maintenance of affordable housing; infrastructure hookups; services such as transportation / daycare.
- **Sustainability:** Activity provides livable / viable communities / neighborhoods by providing services or by removing slums / blight.

The chart on the following page illustrates the relationship between identified strategies, objectives, planned programs / activities, outcomes and funding sources. The City's Consolidated Plan noted projects, performance goals and allocations are managed on a close- and shovel-ready basis in order to facilitate rapid funding usage for high-demand programs.

Staff is proposing the following change to a FY2015-2019 Consolidated Planning Goal.

- **Preserving Affordable Housing Supply:** Lower the five year goal from 25 to 20.

CONSOLIDATED AND ANNUAL ACTION PLAN GOALS

Strategy	Objective	Activity	Outcome Type	Five Year Goal	One Year Goal	HUD Objective	HUD Outcome	Funding Source**
A: Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock.	A1: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide.	Housing Rehabilitation	Housing Units	25* / 20 [□]	4	Suitable Living Environment	Affordability	CDBG
		Manufactured Home Repair		1*	0			CDBG NSP
	A2: Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development.	Foreclosure Acquisition / Rehabilitation		5	1			CDBG HOME
		Affordable Housing Development		4* Homeowner Units ⁺	0			CDBG HOME
B: Create affordable housing opportunities to further improve access to and the quality of affordable housing stock.	B1: Provide affordable financing and support to promote homeownership opportunities citywide.	First Time Homebuyer	Housing Units	175	20	Decent Housing	Affordability	CDBG HOME
	B2: Provide homebuyer education to all households utilizing acquisition programs.		Households	175	20			
	B3: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations.	Affordable Housing Development Program	Housing Units	See Above				
C: Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide.	C1: Ensure equal opportunity and housing choice with all programs and activities citywide.	All Programs	-	-	Suitable Living Environment	Availability / Accessibility	Admin	
		Billings Home Center	Clients	-				-
	C2: Ensure core programs are implemented citywide to promote desegregation and inclusive neighborhoods.	All Programs	-	-				
D: Support housing and community development specific to lower income and special needs households through poverty-impact initiatives.	D1: Encourage collaboration to better address needs and to respond to opportunities for special needs populations.	Billings Metro VISTA Project	Clients	1,000 / 2,000 ⁺	200	Suitable Living Environment	Affordability	CDBG CNCS
		Billings Home Center	Clients	-	-		Availability / Accessibility	Admin
<p style="font-size: small; color: green;">*Five Year Goals Updated during FY16-17 Annual Action Plan ⁺FY17-18 Update [□]FY18-19 Proposed Change <i>Projects in blue not included in IDIS as no funding attached to activity</i></p> <p style="font-size: x-small; color: gray;">**Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) HOME Investment Partnerships Program (HOME) CDBG or HOME Administration (Admin) AmeriCorps Volunteers in Service to America (VISTA) Corporation for National and Community Service (CNCS) Uploaded JPEG in IDIS</p>								

Evaluation of past performance

An evaluation of past performance that help the City choose goals or projects.

The City of Billings has been receiving CDBG funds since the 1970s and began receiving HOME funds in the mid-1990s. Performance on past goals and projects has been adequate, given declining federal resources. In 2001, the City received over \$1.4 million in new CDBG and HOME allocations. In FY2018-2019, the City's allocation is estimated at \$875,000. This represents a nearly 40% decline in entitlement resources.

As a result, City staff have consolidated smaller programs focused on meeting priority needs, including affordable housing preservation and the provision of new housing opportunities. In 2012, stakeholders recommended prioritizing loan programs to maximize sustainability of community development programs in order to continue funding programs in the future. The City Council set loan-making as a policy the same year. Historically low funding levels have greatly reduced the number of funding opportunities available to local nonprofit organizations and many Community Development programs have also been discontinued.

All of the City's proposed programs, funding allocations and goals for the Consolidated Plan and Annual Action Plan are managed on a close- and shovel-ready basis in order to facilitate rapid funding usage for high-demand programs. Therefore, funding allocated and goals set may fluctuate by year's end.

Activity	Performance Analysis & Recommendations
Housing Rehabilitation	<p>The City was only able to assist six households in FY15-16 and scaled back performance goals due to demand. In FY16-17, City staff greatly increased marketing efforts to seek applicants and new contractors. Although the number of applications significantly increased, only two households closed on loans in FY16-17. Thus far in FY17-18, two households have closed on loans and several additional households are near closing.</p> <p>Staff recommends lowering the one year goal to four for FY18-19. Continued low usage also necessitates a decrease in the City's five year goal from 25 to 20.</p> <p>Contractor responsiveness and availability are current issues: registration with www.sam.gov continues to be difficult; and Billings currently has a very low unemployment rate, creating a competitive employment market.</p>
Manufactured Home Repair	<p>The City only several applicants over the past two years. While the activity has not had have a funding allocations, previous year's funding was set-aside for use in the program.</p> <p>Recent changes to the program from grant to loan status, requiring equity in the homes prior to securing liens and owner reluctance to agree to a secondary lien are contributing factors.</p> <p>The program has also been ranked as a lower priority through the City's public outreach and priority surveying efforts. This program may be discontinued in the future.</p>
Foreclosure Acquisition / Rehabilitation	<p>No changes recommended to this program or performance goal. The City has purchased nine homes and is in the process of purchasing a tenth home at the time of draft publication in February 2018.</p> <p>Eight total properties have been purchased and sold since 2012 and one additional home is pending sale at the time of draft publication in February 2018.</p>
Affordable Housing Development	<p>In FY15-16, the City received one project proposal for a twin home that was completed during the summer of 2017. The City also received another proposal for a second twin home in January 2017 for the FY17-18 funding cycle. Construction on this project is slated to begin in March 2018.</p> <p>Staff recommends setting a goal for zero units for the FY18-19 Action Plan, as the actual date of Certificate of Occupancy issuance may occur in FY19-20.</p>
First Time Home Buyer	<p>No changes recommended to this program. The City anticipates assisting 20 households this fiscal year given funding allocations. This goal has been reduced primarily due to former and projected recaptured funds receipts.</p>
Billings Home Center	<p>No changes recommended to this program or performance goal. It cannot be entered into IDIS as there is no CDBG or HOME funding allocated to the activity.</p>
Billings Metro VISTA Project	<p>In FY15-16, the City was able to assist 1,156 low income individuals through the Billings Metro VISTA Project, greatly exceeding the five year goal set at 1,000. Therefore, City staff increased five year goal to 2,000 as per HUD staff recommendation. The FY18-19 goal will be set to 200.</p>

Summary from citizen participation section of plan.

A number of organizations in the community are involved in affordable housing and community development-related activities in Billings and are asked to comment on the Consolidated and Annual Action Plans. The continued cooperation of these organizations in pursuing affordable housing for the community is required to meet the Consolidated and Annual Action Plan goals. Consultations include review of the plan with public and private agencies that provide health care, social services and fair housing education. Populations targeted for consultation include agencies that provide services for children, single-headed households, the elderly, the disabled, minorities, persons with HIV / AIDS and their families, and homeless individuals and families.

The Consolidated and Annual Action Plan is distributed widely during the public comment period and interested persons can attend a number of staff-facilitated, regularly scheduled meetings to find out more about Community Development initiatives. Routine meetings are facilitated through staff for the Community Development Board and the Adjacent Neighborhood Committee, which is comprised of Neighborhood Task Force officers, several of which represent low income and high minority concentration areas. Additional information regarding these groups can be found throughout the Consolidated and Annual Action Plan.

The City of Billings has adopted a *Citizen Participation Plan* which is implemented during Consolidated Plan processes in order to ensure active participation by residents and affiliate organizations. The City has also adopted a *Language Assistance Plan* to ensure meaningful access to program information and equal opportunity for persons with hearing impairment and limited English proficiency. Both plans can be found online at www.CityofBillings.net/CDreports.

The City's Citizen Participation Plan is designed to ensure citizen involvement in the planning and reporting of programs covered under the HUD Consolidated and Annual Action Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's housing and community development programs.

The primary objectives of the City's Consolidated, Annual Action and Citizen Participation Plans are to:

- Encourage citizen participation in the development of the Consolidated / Annual Action Plan and the CAPER with emphasis on participation from individuals and households identified as low to moderate income, residents of blighted areas, minorities, those with limited English proficiency, the disabled, single-headed households and those residing in areas where funding will be utilized.
- Provide citizens with reasonable and timely access to meetings, information and records relating to the City's plan for utilizing funding in addition to allowing reasonable opportunity to comment on the Consolidated / Annual Action Plan, the Citizen Participation Plan and the CAPER.
- Finalize consultation with the Housing Authority of Billings on the development and implementation of the Consolidated Plan through the Annual Action Plan, which includes input from residents of public and assisted housing.
- Provide public hearings to obtain citizen views and to respond to proposals and questions at all stages of the process. All hearings and meetings shall be provided in areas where accommodations for the disabled can be provided.

Public Hearings (IDIS additional text box): The City holds two public hearings each year regarding housing and community development activities. The first public hearing is held by the City Council in April to provide nonprofit agencies, organizations, and individuals with an opportunity to provide input on the Consolidated / Annual Action Plan and the allocation of CDBG and HOME funds in the community.

The second public hearing is held by the City Council in September to gather public input on the City's performance and progress in meeting the strategies included in the City's five-year Consolidated Plan and Annual Action Plan for the previous fiscal year ending on June 30. Each public hearing is accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.

Report / Plan Availability: The availability of the reports and plans required under the Consolidated Plan are published in the local newspaper with complete copies available on the internet at www.CityofBillings.net/CDreports and hard copies are available at the City's Community Development Division office. The public notice describes the contents and purpose of each document including the location at which documents can be examined. A summary of the plan development process and public comments received during this process will be included in final version of the Consolidated Plan, Annual Action Plans, and CAPER submitted to HUD.

Public Comments: The City must provide opportunities for public comment at least 30 days prior to Consolidated / Annual Action Plan submission, as required by HUD. City staff considers all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD and includes a summary of each comment to the final submission. If written comments are not accepted for inclusion in the Plan, the City will provide written explanation of why those comments were not accepted.

Criteria for amending the Consolidated / Annual Action Plans: 24 CFR part 91.105(c) of the Final Rule requires grantees of CDBG and HOME programs make public the criteria the City will use for determining what changes in planned or actual activities constitute a substantial amendment to the five-year Consolidated Plan and the one-year Annual Action Plan. An amendment to the approved plan will occur when City staff recommends:

- Not carrying out a project or activity described in the plan.
- To carry out a project not previously described.
- Substantially change the purpose or scope of a project.

Prior to the submission of any substantial change in the proposed use of federal housing and community development funds, the City will hold a public hearing to allow citizens reasonable notice of, and opportunity to comment on, proposed amendments. Public comment periods will not be less than thirty (30) days. *Substantial changes are defined as the creation of any new program or project to be funded under the City's HOME and CDBG programs.*

Routine revenues including program income, recaptured / repaid funds, and re-programmed monies will be utilized for existing and previously approved programs as it is received during each fiscal year, which does not require a substantial amendment to the Consolidated Plan. Routine revenues are allocated on a close- and shovel-ready basis to programs identified in the Consolidated and Annual Action Plans to ensure timely commitment and expenditure of both entitlement, repayment and program income funds.

Summary of public comments

Brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Public Comment & Hearing: The FY2018-2019 Annual Action Plan was open for public comment extending from March 24 to April 23, 2018. A public hearing was held on April 23, 2018 during the Billings City Council meeting to accept public comments on the Consolidated and Annual Action Plans, and Community Development Board recommendations for funding allocation. These plans were adopted by the Billings City Council on April 23, 2018. Public comments are included in the Appendix.

Neighborhood Task Force Meetings: City staff attended an Adjacent Neighborhood Task Force officer's training event in February in order to review Consolidated / Annual Action Plan goals, gather input on proposed projects and gather feedback on community needs. A total of ten Neighborhood Task Forces were represented at this meeting.

Summary of comments or views not accepted and the reasons for not accepting them

All comments were taken into consideration during the development of the Annual Action Plan.

Summary

Comments received supported the adoption and implementation of the Annual Action Plan.

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Section II: The Process

PR-05 Lead & Responsible Agencies

24 CFR 91.200(b)

Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The City of Billings - Community Development Division staff is responsible for preparing the Consolidated Plan and administration of CDBG and HOME grant programs.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Billings	Community Development Division
HOME Administrator	Brenda Beckett, Division Manager	

Table 1 – Responsible Agencies

Consolidated Plan Public Contact Information

Brenda Beckett, Community Development Manager
Community Development Division, 2825 3rd Avenue North, Billings, MT
Phone: 406-657-8286
Email: beckettb@ci.billings.mt.us
Web: www.CityofBillings.net/comdev

AP-10 Consultation

91.100, 91.200(b), 91.215(l)

Introduction

A number of organizations in the community are involved in affordable housing and community development-related activities in Billings and are asked to comment on the Consolidated and Annual Action Plans. The continued cooperation of these organizations in pursuing affordable housing for the community is required to meet the Consolidated Plan goals. Consultations include review of the plan with public and private agencies that provide health care, social services and fair housing education. Populations targeted for consultation include agencies that provide services for children, the elderly, the disabled, minorities, single-headed households, persons with HIV / AIDS and their families, and homeless individuals and families.

The Consolidated and Annual Action Plans are distributed widely during the public comment period and interested persons were invited to attend a number of staff-facilitated, regularly scheduled meetings to find out more about Community Development initiatives. Routine meetings were facilitated through staff for the Community Development Board; six of the nine total members represent and reside in low income neighborhoods.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

Public Housing: The Housing Authority of Billings is primarily responsible for administration of the public housing and Section 8 Programs for the community. City staff enjoy a cooperative and collaborative relationship with Housing Authority, including participation in task forces, committees, and affordable housing development. *91.100(c)*

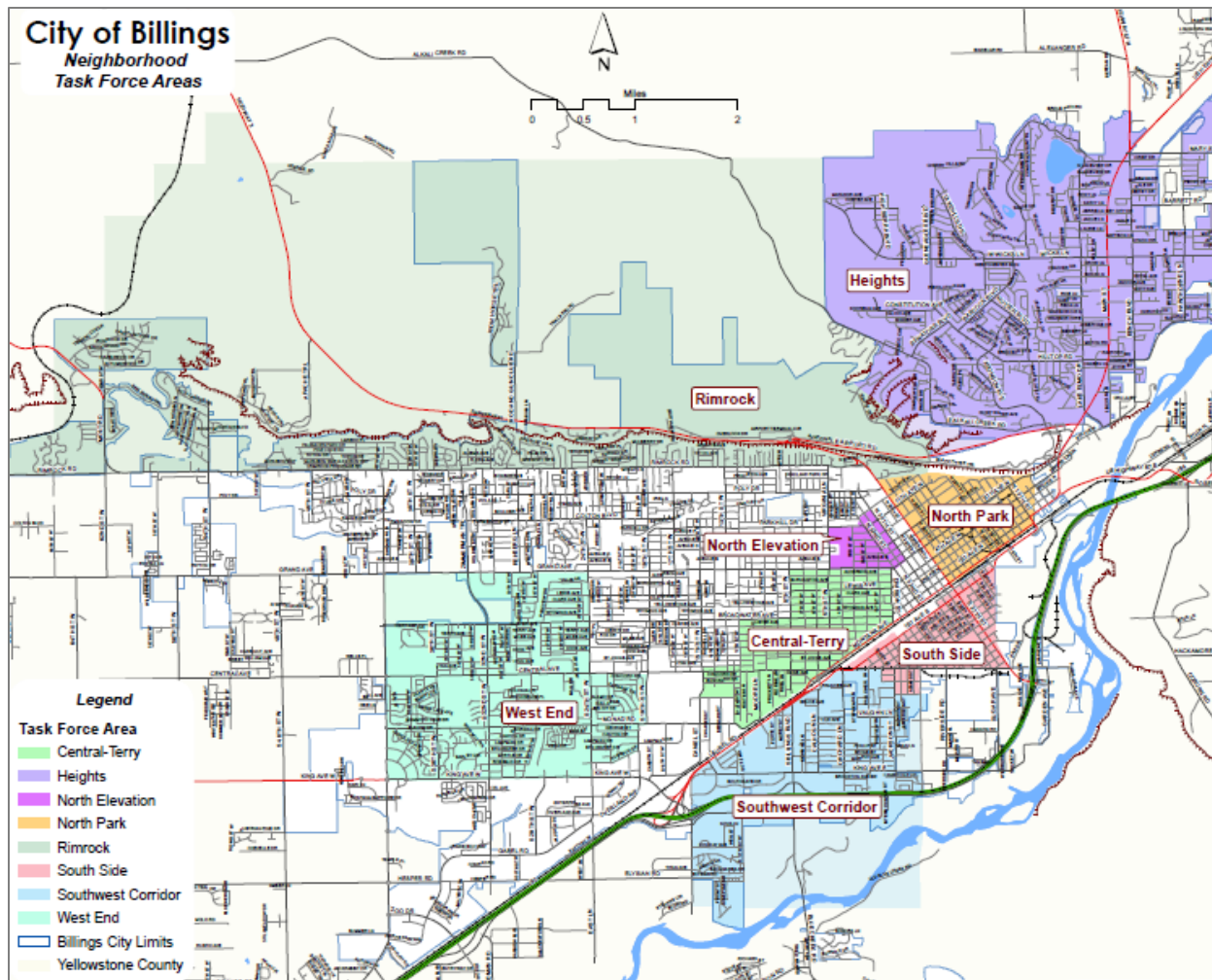
Homeless Strategy and Housing Opportunities for Persons with AIDS: Local organizations providing housing, health services, and social services have been intricately involved in planning processes for the homeless and chronically homeless. The City does not receive Housing Opportunities for Persons with AIDS (HOPWA) funding directly, but collaborates with RiverStone Health to support HOPWA funding. *91.100(a)(2) & 91.100(b)*

Adjacent Governments: Communication regarding non-housing community development needs is conducted via collaboration through homeless initiatives and agencies serving the disabled, minorities, victims of domestic violence, the elderly, those with mental health / addiction issues and other vulnerable populations. *91.100(a)(4)*

Metropolitan Planning: The Planning and Community Services Department includes Community Development, Code Enforcement, Planning / Transportation, and Building Divisions and collectively implement the Growth and Infill Policies, and Transportation / Neighborhood Plans. All City-assisted projects are reviewed for residential access to public transportation. *91.100(a)(5)*

Local Governments: The **Community Development Board** is comprised of nine community members and six of the members must reside in and represent low income neighborhoods. The Board makes recommendations to the City Council regarding funding recommendations, the Consolidated / Annual Action Plans, and the CAPER. The **Billings City Council** is the governmental policy body that takes action on the Consolidated and Annual Action Plans. After receipt and consideration of public comments, the City Council approves the Consolidated / Annual Action Plans and funding allocations.

Neighborhood Task Forces: The City has continued to work with neighborhood task forces representing low income areas to encourage citizen participation in the Consolidated / Annual Action Planning process. Neighborhood Task Forces having high concentrations of minorities and low income households include North Park, South Side, North Elevation, Southwest Corridor and Central Terry.



The City will also continue to support the **Adjacent Neighborhood Committee** comprised of Task Force officers who meet quarterly to collaborate. The City also seeks input from Task Force participants on housing and neighborhood activities for the annual allocation process.

Additional Minority Outreach: Actions taken to establish and oversee a minority outreach program to ensure inclusion of minorities and women, entities owned by minorities and women, is accomplished by the following:

- Annual advertisement for contractor opportunities in construction are published in print media and distributed to low income and minority households.
- Maintaining a current email distribution list for the lending community and the real estate community at large in the Billings area.
- Opportunities for contracts are distributed to:
 - Chairpersons for the Neighborhood Task Forces, which cover both low income areas and higher concentrations of minority residents.
 - Housing Authority of Billings to post for residents utilizing public assistance, also a higher single-headed household and minority population.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

Continuum of Care Funding: The City's work with the homeless is impacted significantly by the fact that it is not a direct recipient of Continuum of Care homeless funding. Funds are provided to the State of Montana and are distributed by the State to various regions in Montana through the Human Resource Development Councils (HRDCs). One or two organizations in Billings may receive Continuum of Care funding, but a very small percentage of the available funding is allocated to local projects; five to seven percent annually. City staff has provided additional information to HUD staff on current circumstances.

The City's Homeless Strategy can be located in the Consolidated Plan, SP-60.

www.CityofBillings.net/conplan

Mayor's Committee on Homelessness: Community Development Division staff began facilitating the Mayor's Committee on Homelessness in 2006. City staff then developed a comprehensive ten-year plan and wide-ranging community initiative, *Welcome Home Billings*, to impact local homelessness and poverty. These efforts have been helpful in increasing overall collaboration and resources to assist the most vulnerable population in the Billings community, particularly chronically homeless individuals, unaccompanied youth, families, veterans and persons at risk of homelessness.

With the assistance from the Community Development Division staff, the Mayor's Committee on Homelessness was successful in efforts to gather data, implement national best practices, and involve the community in planning efforts and volunteer opportunities. Due to the lack of administrative funds to support the continuation of the Mayor's Committee on Homelessness, the Committee was dissolved as per the City's Resolution at the end of calendar year 2016. An overview of the City's homeless initiatives can be found online: *Homeless Initiatives Legacy Booklet*, www.CityofBillings.net/poverty.

Billings Metro VISTA Project: In order to maintain momentum for the homeless initiatives, the City's Community Development Division created an AmeriCorps Volunteers in Service to America (VISTA) program known as the *Billings Metro VISTA Project* in 2009, sponsored by the Corporation for National and Community Service. VISTA members work to create or expand community-based programs, services, and systems that prevent and intervene in homelessness through capacity-building activities.

The City still supports the publication of the Resource Map and Notepad:

- The Emergency Resource Map is a portable, user friendly guide that quickly connects individuals and families experiencing homelessness with downtown community resources. www.CityofBillings.net/resourcemap.
- The Resource Notepad is a tool designed for case managers, organizations and individuals to quickly make referrals to community resources providing direct services to anyone within the following major categories: Food Assistance & Household Needs, Housing, Transportation, Healthcare, Shelter, Employment Services, Education Opportunities, Financial Assistance, Children's Services, and Addiction Treatment Options, and other forms of help. www.CityofBillings.net/notepad.

Community Innovations Summit: In October 2014, the Community Development Division co-sponsored the *Community Innovations Summit* to address escalating issues with people living on the streets of downtown Billings. Pre-Summit efforts involved workshops, meetings, surveys and queries for specific community groups, including social service providers, business owners, Tribal leaders, members of law

enforcement, corrections, courts systems, local and state government officials, and faith leaders. The Summit spurred several ongoing initiatives which can be followed on www.4sparechange.org. Monthly meetings continue to be held and they are supported by City Administration staff.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction’s area in determining how to allocate Emergency Solutions Grant (ESG) funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of Homeless Management Information System (HMIS)

The City does not receive ESG funds as an entitlement; these funds are distributed statewide by the Montana Department of Public Health and Human Services through ten HRDCs throughout the state. Therefore the City does not develop performance standards, evaluate outcomes or develop funding, policies or procedures for the administration of HMIS. However, as an active collaborator with representative of the Continuum of Care and local homeless impact organizations and groups, input on such things is provided when requested.

District 7 HRDC received \$138,633 in ESG funds for FY2017-2018, which is utilized for homeless prevention activities and rapid-rehousing exclusively. HRDC does not maintain a waiting list due to the volume of households in need. HRDC also received an additional \$84,423 in HUD Continuum of Care funds for rapid-rehousing homeless families living in shelters.

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Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
1.	Housing Authority of Billings	Public Housing Authority; Services - Homeless	Housing Need Assessment; Public Housing Needs; Homeless Needs - Chronically Homeless, Families with Children, Veterans; Homelessness Strategy; Market Analysis	Email / phone / web retrieval; data exchange for the development of relevant sections
2.	Homewood	Housing	Housing Need Assessment; Market Analysis	
3.	Rimrock	Housing; Services - Persons with Disabilities	Housing Need Assessment; Homeless Needs - Chronically Homeless	
4.	Mental Health Center	Housing; Services - Persons with Disabilities	Housing Need Assessment; Non-Homeless Special Needs	
5.	Family Service, Inc.	Services - Housing	Housing Need Assessment; Market Analysis; Homeless Needs - Families with Children; Homelessness Strategy	
6.	District 7 HRDC	Services - Housing, Homeless, Children	Housing Need Assessment; Homeless Needs - Chronically Homeless, Families with Children; Homelessness Strategy	
7.	Adult Resource Alliance	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs	
8.	Big Sky Senior Services	Services - Elderly Persons	Housing Need Assessment; Non-Homeless Special Needs	
9.	Living Independently for Today and Tomorrow	Housing; Services - Persons with Disabilities	Housing Needs Assessment; Market Analysis; Non-Homeless Special Needs	
10.	RiverStone Health	Housing; Services - Persons with HIV/AIDS, Health, Homeless	Housing Needs Assessment; Market Analysis; Non-Homeless Special Needs; Homelessness Strategy	
11.	YWCA Gateway House	Housing; Services - Domestic Violence, Children	Housing Needs Assessment; Market Analysis; Homeless Needs - Families with Children	
12.	Billings Public Schools	Services - Homeless, Education	Homeless Needs - Families with Children	
13.	Billings Job Service	Services - Employment	Economic Development	
14.	Montana Fair Housing	Services - Housing; Fair Housing	Non-Homeless Special Needs	
15.	The Alliance	Health Agency	Non-Homeless Special Needs	
16.	Montana Department of Commerce	State; Housing	Housing Need Assessment; Market Analysis	
17.	Billings Public Works Department	Local Government	Non-Housing Community Development Needs	
18.	Billings Police Department	Local Government; Services - Domestic Violence, Homeless	Housing Need Assessment	
19.	Domestic Violence Unit	Local Government; Services - Domestic Violence	Housing Need Assessment	
20.	Big Sky Economic Development	County Government	Economic Development	
21.	City of Billings - Planning Division	Local / County Government; Planning Organization	Market Analysis	
22.	Montana Epidemiology, Addictive / Mental Disorders	Health Agency; Services - Health, Persons with HIV/AIDS, Disabilities, Homeless; State Government	Housing Need Assessment	
23.	Civic Consulting	Services - Homeless	Homeless Strategy	

#	Agency/Group/Organization	Type(s)	Consolidated Plan Section(s)	How Consulted / Outcomes
24.	NeighborWorks Montana	Housing	Housing Need Assessment; Market Analysis	See above...
25.	Downtown Billings Alliance	Business and Civic Leaders	Homeless Needs - Chronically Homeless	Survey, identified needs for serial inebriate population
26.	Neighborhood Task Forces	Civic Leaders; Low Income Area Representatives	All	Neighborhood Community / Public Meetings
27.	Adjacent Neighborhood Task Force	Civic Leaders; Low Income Area Representatives; Neighborhood Organization	All	Public Meeting
28.	Billings City Council	Local Government; Civic / Business Leaders	All	Public Hearing / Public Meeting
29.	Community Development Board	Civic / Business Leaders; Low Income Area Representatives; Neighborhood Leaders	All	Public Notice / Public Meetings
30.	HUD - Economic Market Analysis Division <i>(unable to add in IDIS)</i>	Federal Government	Housing Need Assessment; Market Analysis	Email Data Exchange

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Identify any Agency Types not consulted and provide rationale for not consulting

The City of Billings staff is not aware of any agency types that have not been consulted in preparation of the Annual Action Plan. City staff contacted many agencies to assist with the development of the Consolidated and Annual Action Plans and has widely circulated information relative to proposed programs and funding allocations to garner feedback. Additional efforts were made during the public comment period to distribute the Consolidated and Annual Action Plans for review and feedback.

Describe other local/regional/state/federal planning efforts considered when preparing the Plan

City staff considered neighborhood planning, development standards, capital improvement programs, the Annexation Policy, and the Growth Policy while developing the Consolidated and Annual Action Plans.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Montana State Continuum of Care	Identifies Federal and State resources to impact homelessness
City Council Strategic Plan	Billings City Council	Comprehensive, orderly growth; Sustainable economic development; and Involved, united community goals.
Growth Policy	City of Billings Planning Division	Promotes affordable housing and infill development
Infill Policy	City of Billings Planning Division	Promotes affordable housing and infill development
Annexation Policy	City of Billings Planning Division	Promotes infill development
Transportation Plan	City of Billings Planning Division	Improves transit impacting project affordability
Neighborhood Plans	City of Billings Planning Division and Neighborhood Task Forces	Guides development efforts in each neighborhood
Consolidated Plan	Montana Department of Commerce Community Development	State CDBG and HOME resources may be available to further projects

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation

91.105, 91.200(c)

Summary of citizen participation process and how it impacted goal-setting

Public comments are requested at least 30 days prior to submission of reports required under HUD’s Consolidated and Annual Action Plan process. City staff has considered all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated and Annual Action Plans and related reports to HUD and attach a summary of each comment to the final submission. If written comments were not accepted for inclusion in the Plan, City staff has provided written explanation of why those comments were not accepted. City staff will provide written responses to all written complaints and grievances related to the Consolidated and Annual Action Plans and the City’s housing and community development programs within 15 working days of receipt of the complaint or grievance where practical. Further detail on citizen participation can be found in the Executive Summary and Consultation subsections.

Citizen Participation Outreach

#	Mode of Outreach	Target of Outreach	Summary of response/attendance
Summary of comments not accepted and reasons: No comments were rejected.			
1	Public Notices	All Interested Citizens	Public Notices regarding the publication of the drafted Annual Action Plan on the City's website, the public comment period from March 24 to April 23 and the April 23, 2018 City Council Public Hearing were published in the Yellowstone County News on March 23, March 30, and April 6, 2018.
	See below and in the Appendix for responses.		
2	Website	All Interested Citizens	The drafted Annual Action Plan was available online from March 24 to April 23, 2018 for public comment and feedback.
	No public comments were received specific to the Annual Action Plan online posting.		
3	Neighborhood / Public Meetings	Community Leaders, Community Members, Neighborhood Task Forces, Low Income Residents, Public Housing Tenants, Minorities, Disabled, All Interested Citizens	A presentation was given during the Adjacent Neighborhood Task Force officers training event on February 15, 2018. Representatives from all eight Neighborhood Task Forces attended (35 individuals). A presentation was made during a televised City Council Work Session on April 16, 2018. Another presentation was made on a televised City Council meeting and a public hearing was held on April 23, 2018.
	One community meeting was held in a low income area where high concentrations of low income and minority households exist. Task Force representatives from four low income areas attended the meeting. A presentation on the Consolidated and Annual Action Plans, Priority Needs and proposed programs was carried out.		
4	Public Notices	Nonprofit organizations with an interest in capacity building opportunities through VISTA	Public Notices regarding the availability of VISTA Host Site proposals was published in the Yellowstone County News on December 15 and 22, 2017.
	The City received several applications for full-year volunteers from nonprofit organizations to support poverty impact activities.		
5	Public Notices	Nonprofit organizations with an interest in CDBG and / or HOME funding opportunities	Public Notices regarding the availability of housing and community development funding requests was published in Yellowstone County News on December 15 and 22, 2017.
	The City did not receive any applications from nonprofit organizations seeking CDBG or HOME funding.		
6	Email	Nonprofits with an interest in the topics represented in the Consolidated and Annual Action Plans, Minorities, Disabled, Public Housing Tenants	Notices regarding the availability of the Consolidated and Annual Action Plans were sent via email to the Division's listservs. Representation from Businesses, Developers, Nonprofits, Philanthropic, and the faith communities were targeted.
	No public comments were received.		

Table 4 – Citizen Participation Outreach

Section III: Annual Action Plan

AP-15 Expected Resources

91.220(c)(1,2)

Introduction

Table 5 (below) illustrates the CDBG and HOME resources expected for the second year of this Consolidated Plan. The total amount expected for the remaining years of the Consolidated Plan take into account a five percent decrease in funding resources per year. There is no guarantee the City will continue to receive CDBG and / or HOME funding in future years. Other types of funding, including Emergency Shelter Grants, HOPWA funds, Section 8 funds, etc. are not included in the following table as the City of Billings is not a direct recipient.

Final HUD allocations have not been released to the City of Billings at the time of draft publication, although the staff is estimating the following allocations for planning purposes; \$650,000 in new CDBG and \$350,000 in HOME funds. The City may incur pre-award costs for CDBG and HOME administration and eligible activities as per HUD’s guidance as of July 1, 2018.

CDBG administration allocations are capped at 20% of the new CDBG allocation in addition to eligible program income received during the project year. Maximum amounts for public service activities are capped at 15% of the new CDBG allocation and 15% of the previous year’s program income. HOME administration activities are capped at ten percent of the new HOME allocation and eligible program income received following the required affordability period. Revenue received during a project’s affordability period is considered recaptured and may not be used for administration.

Expected revenues from the CDBG program include repayments for funding loaned through the Housing Rehabilitation Loan program and other revitalization efforts. The City expects to receive approximately \$50,000 to \$300,000+ in repayments for the upcoming fiscal year which will be reprogrammed for programs identified herein. Any amount of CDBG revenue received during the fiscal year will be immediately reprogrammed for shovel- and close-ready projects.

Revenue expected for the HOME program includes recaptured and program income funding generated by the First Time Homebuyer Loan program. The City expects to receive approximately \$50,000 to \$300,000+ in HOME funding through these venues, and the funding will be utilized to further programs identified in the Consolidated and Annual Action Plans. Any amount of HOME revenue received during the fiscal year may be immediately reprogrammed for shovel- and close-ready projects.

The City may also receive program income attributable to the Neighborhood Stabilization Program. The City utilizes 100% of federal funding to benefit low to moderate income households and / or areas. The City will not receive proceeds for Section 108 loan guarantees, surplus funds from urban renewal settlements, or float-funded activities.

Anticipated Resources

Program	Source of Funds	Expected Amount Available Year 2				Expected Amount Available Remainder of Con Plan	Narrative Description
		Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public / Federal	\$650,000 estimated	\$75,000	\$0	\$725,000	\$617,500	Entitlement Allocation
	Uses of Funds: Administration, Homeowner Rehabilitation, Homebuyer Acquisition, New Housing Development, Public Services						
HOME	Public / Federal	\$350,000 estimated	\$150,000	\$0	\$500,000	\$332,500	Entitlement Allocation
	Uses of Funds: Administration, Homebuyer Acquisition, New Housing Development						

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The HOME program requires 25% match funding for projects be dedicated from non-federal sources. The City of Billings meets HOME matching requirements through low-interest financing available for First Time Homebuyer Loans issued through the Montana Board of Housing (MBOH) and matching funds provided for other affordable housing projects undertaken with HOME funds, such as private contributions and other local bank financing.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Billings does not have plans to use publicly owned land to address needs identified in the Consolidated Plan and is not required to do so, as per federal regulation.

Requirements set forth in CFR 24 91.220 and 91.520 indicate the City *may indicate* publicly owned land or property located within the jurisdiction that *may be used* to address the needs identified in the Consolidated / Annual Action Plan.

While the City has not dedicated land to the Community Development Division, the Billings City Council supported the Division's housing programs by dedicating nearly \$450,000 in non-federal funds to support Consolidated Plan activities.

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AP-20 Annual Goals and Objectives

Goals Summary Information

#	Goal Name	Start / End Years	Category	Outcome & Objective	Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing Preservation	2018 to 2019	Affordable Housing	Affordability & Suitable Living Environment	Citywide	Affordable Housing Preservation	CDBG, NSP	5 Household Housing Units <i>Code 10 - Homeowner housing rehabilitated</i> <i>One foreclosed unit, 4 homeowner occupied units</i>
		Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock: <ul style="list-style-type: none"> • Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide. • Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development. 						
2	New Affordable Housing Opportunities	2018 to 2019	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	Availability / Accessibility & Decent Housing	Citywide	New Affordable Housing Opportunity	CDBG, HOME	0 Units Constructed <i>The Affordable Housing Development Program is expected to create zero to 2 new affordable housing units, which could be rental / owner, new construction / rehabilitation.</i> <i>Code 7 = Rental Units Constructed</i> <i>Code 9 = Homeowner Housing Added</i> 20 Households Assisted <i>Code 11 - Direct Financial Assistance to Homebuyers</i>
		Create affordable housing opportunities to further improve access to and the quality of affordable housing stock: <ul style="list-style-type: none"> • Provide affordable financing and support to promote homeownership opportunities citywide. • Provide homebuyer education to all households utilizing acquisition programs. • Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. 						
3	Housing Choice <i>Not entered into IDIS as no funding allocated</i>	2018 to 2019	Other: Equal Opportunity	Availability / Accessibility & Suitable Living Environment	Citywide	Housing Choice	Admin	Not Applicable <i>Home Center and City Programs</i>
		Expand housing choice options for existing and potential new residents to foster stable, socio-economically diverse neighborhoods citywide. <ul style="list-style-type: none"> • Ensure equal opportunity and housing choice with all programs and activities citywide. 						
4	Poverty Impact	2018 to 2019	Poverty Impact	Affordability & Suitable Living Environment	Citywide	Poverty Impact	CNCS	200 Individuals <i>Public service activity for low income benefit, VISTA</i> <i>Code 3 = Other than Low Income Housing Benefit</i>
		Support housing and community development specific to lower income and special needs households through poverty-impact initiatives. <ul style="list-style-type: none"> • Encourage collaboration to better address needs and to respond to opportunities for special needs populations. 						
*Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) HOME Investment Partnerships Program (HOME) CDBG or HOME Administration (Admin) Corporation for National and Community Service (CNCS)								

Table 6 – Goals Summary

Introduction

The City of Billings is recommending a total of seven projects for CDBG and HOME funding for FY2018-2019. Revenues received from CDBG, HOME, and other sources will be allocated to current programs under a close- / shovel-ready basis to ensure commitment and expenditure timeliness.

As Congressional allocations to HUD have not been completed to date, City staff is estimating approximately \$650,000 in new CDBG funds and \$350,000 in new HOME funds. Proposed activity budgets will be increased or decreased from estimated funding levels to match actual allocation amounts. Regardless of the final funding allocation amounts, CDBG and HOME administration will be funded at the maximum allowable caps.

CDBG programs will be funded in order of priority: \$75,000 (or public service maximum, whichever is less) to the Billings Metro VISTA Project, at least \$250,000 to the Foreclosure Acquisition / Rehabilitation program, Housing Rehabilitation will be funded up to \$100,000, and any remaining funds would be allocated to the First Time Home Buyer program. These funding allocations are subject to the City's standard close- and shovel-ready allocation process.

In HOME, the minimum (15 percent) would be reserved for a Community Housing Development Organization (CHDO) project. Remaining funds would be dedicated to the First Time Home Buyer program. These funding allocations are also subject to the City's standard close- and shovel-ready allocation process.

#	Project Name	FY2018-2019 Allocations	
		CDBG	HOME
1 & 2	Administration	\$130,000	\$35,000
3	Housing Rehabilitation	\$100,000	-
4	Foreclosure Acquisition / Rehabilitation	\$250,000	-
5	First Time Home Buyer	\$95,000	\$262,500
6	Billings Metro VISTA Project	\$75,000	-
7	Community Housing Development Organizations Affordable Housing Development	-	\$52,500

Table 7 – Project Information, Funding Allocations do not include Program Income

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities were established by identifying community needs through the Needs Assessment and Market Analysis:

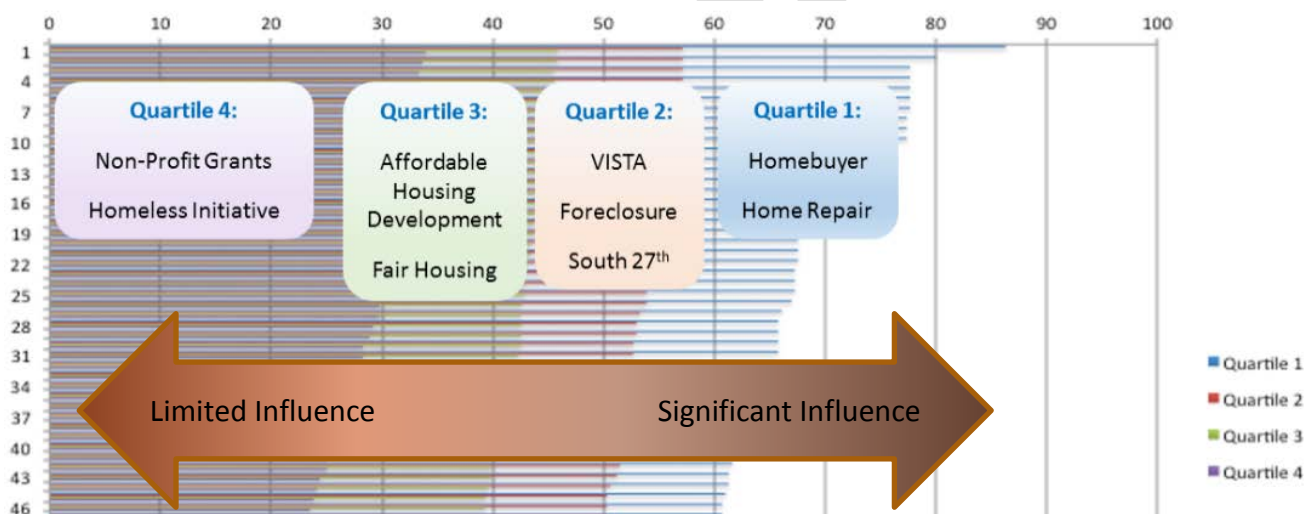
- **Affordable Housing Preservation:** Housing Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and Foreclosure Acquisition / Rehabilitation.
- **New Affordable Housing Opportunities:** Community Housing Development Organizations, Affordable Housing Development, and First Time Home Buyer.
- **Poverty Impact:** Billings Metro VISTA Project.

Please Note: The priority need identified to expand fair housing choice through the *Home Center* and efforts to support the implementation of *Welcome Home Billings* to impact homelessness are primarily supported by administrative activities and will not be allocated separately from the above.

Neighborhood Task Force rankings from 2008 to the present favor home repair / buyer and affordable housing development programs. Additionally, the City Council initiated an extensive priority based budgeting process to rank programs based on how they influence the City’s ability to achieve established community results, such as:

- Sustainable Economic Development
- Comprehensive, Orderly Growth and Development
- Community Resource Preservation
- Involved, Engaged and United Community

The home repair / buyer programs were ranked as having *significant influence* on the City’s ability to achieve desired community results and were ranked in the first quartile. The City’s VISTA and Foreclosure programs ranked in the second quartile, followed by Affordable Housing Development and fair housing programs.



Graphic Credit: www.pbbcenter.org; Modified by Community Development Staff to Illustrate Programs & Influence

The primary obstacle faced by the City in undertaking the activities described in its Consolidated and Annual Action Plans and meeting under-served needs is limited funding. The Needs Assessment identified the affordable housing needs and conditions of our community. These conditions, particularly the cost burden faced by very low income renters and homeowners, is difficult to address given existing resources.

In addition to funding for projects and programs, there is a need for additional funding for administration and planning costs to help design strategies and undertake projects to help meet these needs. There are no separate allocations to manage the implementation of Welcome Home Billings or efforts to create a Home Center outside of CDBG Administration. The City leverages its CDBG and HOME resources as evidenced by partnerships with the Montana Board of Housing and the Corporation for National and Community Service. City staff can continue to support community partnerships to address housing and community development needs through the Billings Metro VISTA Project.

AP-38 Project Summary

#	Project Name	Target Area	Goals Supported / Needs Addressed	Funding Not Including Program Income	Target Date	Estimate # / Type Families Benefitting
1 & 2	Administration	City of Billings	-	CDBG: \$130,000 HOME: \$35,000	6/30/19	Not Applicable
General grant administration for CDBG and HOME programs.						
3	Housing Rehabilitation	City of Billings	Affordable Housing Preservation	CDBG: \$100,000	6/30/19	4 Household Housing Units <i>Code 10 - Homeowner housing rehabilitated</i>
Description: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide. Preserve existing affordable housing supply, particularly in older neighborhoods, to support the stability of the current affordable housing stock. Planned Activities: This program provides low income households with zero interest, no payment financing to make needed improvements. This program is intended to revitalize established neighborhoods and preserve the existing affordable housing stock through the completion of repairs to housing.						
4	Foreclosure Acquisition / Rehabilitation	City of Billings	Affordable Housing Preservation	CDBG: \$250,000	6/30/19	1 Household Housing Unit <i>Code 10 = Homeowner housing rehabilitated</i>
Description: Provide direct, affordable financing and assistance to low income homeowners for the completion of needed repairs citywide. Revitalize low income neighborhoods through foreclosure remediation, redevelopment and infill development. Planned Activities: Funding to support the purchase of vacant and foreclosed properties for the purpose of rehabilitation and direct homeownership assistance to income qualified homebuyers as their primary residence. The purpose of the program is to stabilize neighborhoods, stem the decline of house values of neighboring homes due to foreclosure, and to preserve decent affordable housing.						
5	Affordable Housing Development	City of Billings	New Affordable Housing Opportunity	HOME CHDO: \$52,500 Affordable Housing Development: \$0	6/30/19	0 Units Constructed <i>The Affordable Housing Development Program is expected to create zero to 2 new affordable housing units, which could be rental / owner, new construction / rehabilitation Code 7 = Rental, Code 9 = Homeowner</i>
Description: Create affordable housing opportunities to further improve access to and the quality of affordable housing stock: Encourage the citywide development of new affordable single-family, multi-family and special needs housing in the community through private developers and nonprofit organizations. Planned Activities: This funding would be utilized to facilitate the development of new affordable housing. Funding for all CDBG and HOME programs is allocated on a close-and shovel-ready basis to endure the City is meeting community needs and to effectively utilize revenues.						
6	First Time Home Buyer	City of Billings	New Affordable Housing Opportunity	HOME: \$262,500 CDBG: \$95,000	6/30/19	20 Households Assisted <i>Code 11 = Direct Financial Assistance to Homebuyers</i>
Description: Create affordable housing opportunities to further improve access to and the quality of affordable housing stock: Provide affordable financing and support to promote homeownership opportunities citywide. Planned Activities: This program provides financial resources to support low-income first time homebuyers with down payment and closing costs. Assistance is based on household size and income. Loans are zero interest, no payments due until the home is sold / refinanced.						
7	Billings Metro VISTA Project	City of Billings	Poverty Impact	CDBG: \$75,000	6/30/19	200 Individuals <i>Code 3 = Public service activity for low income benefit</i>
Description: Support housing and community development specific to lower income and special needs households through poverty-impact initiatives. Encourage collaboration to better address needs and to respond to opportunities for special needs populations. Planned Activities: This public service activity would support costs to implement the Billings Metro VISTA Project. These AmeriCorps members work on poverty impact issues in the community including the prevention of homelessness and service provision for those experiencing homelessness. Members are placed at nonprofit organization Host Sites and the City to assist in efforts to strengthen agencies and the poverty-impact service continuum.						
<p><i>*Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) HOME Investment Partnerships Program (HOME) CDBG or HOME Administration (Admin) Corporation for National and Community Service (CNCS)</i></p> <p>Funding for all CDBG and HOME programs is allocated on a close- and shovel-ready basis to endure the City is meeting community needs and to effectively utilize revenues.</p> <p><i>Table 8 - Project Summary</i></p>						

Description of the geographic areas of the entitlement (including areas of low income and minority concentration) where assistance will be directed

The geographic area served by the Consolidated and Annual Action Plans is defined by the current City of Billings limits. Citation 24 CFR 91.220(f) reads as follows, “When appropriate, jurisdictions should estimate the percentage of funds they plan to dedicate to target areas.” Estimating the percentage of funds planned for dedication to target areas is not appropriate for the Billings community due to the following reasons:

- Geographic area is defined by the current City of Billings limits.
- Citywide strategies encourage the distribution of resources to support affirmatively furthering fair housing and equal opportunity to avoid segregation in Billings.
- Geographic distribution of investments description includes the focus of resources on a citywide basis to support diversity across the community.
- The City of Billings is classified as a smaller city on a national scale.
- The actual dollar amount planned for allocation to each program is included in this Action Plan.

The City will focus distribution of investments on a citywide basis in order to support diversity and mixed-income development across the community. Neighborhood Revitalization Strategy areas **have not been established** in Billings and there is no specific amount of funding allocated for a target area in the City’s geographic distribution of resources. **Therefore, the City plans to dedicate zero percent of funding to target areas in favor of supporting a citywide approach to further fair housing, equal opportunity and anti-segregation efforts.**

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100%

Table 7 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The strategies identified in the Consolidated and Annual Action Plans will be addressed on a citywide basis to encourage the distribution of low income affordable housing and other assistance to lower income households throughout the community.

Introduction

Planned affordable housing for the upcoming year include Housing Rehabilitation, Foreclosure Acquisition / Rehabilitation, Affordable Housing Development, and First Time Home Buyer. While many of these programs may serve the homeless or special needs households, the programs are not designed to exclusively serve one or more of the following cohorts. The Manufactured Home Repair program is currently funded through a previous year and outcomes are not included in the below charts to avoid duplication.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	25
Special-Needs	0
Total	25

Table 8 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	4
Acquisition of Existing Units	21
Total	25

Table 9 - One Year Goals for Affordable Housing by Support Type

Introduction

The Housing Authority of Billings serves extremely low income, very low income, and low income citizens. The Housing Authority plans to apply for all grants that will assist the organization in adding units to its existing programs and any programs that complement existing services and are able to be implemented. The Housing Authority will continue to assess and implement modernization funds to upgrade and restore units and complete energy efficient repairs as needed.

Actions planned during the next year to address the needs to public housing

The Housing Authority may apply for funding to develop affordable housing through the Affordable Housing Development Program. In the past, the City has granted funds to build new units through the HOME and CDBG programs in neighborhoods where Housing Authority property exists. The City has also provided funding for a variety of rehabilitation and new construction projects to neighborhoods that have public housing units in need of upgrading.

The City has helped rehabilitate properties, sold land for new businesses, and granted land to nonprofits to assist with neighborhood revitalization efforts in neighborhoods where Housing Authority complexes have been built. The City has provided funding for parks and play areas for the neighborhoods where Housing Authority families reside. In addition, the businesses that have moved into areas where Housing Authority properties are located have contributed to the economic stability of the Housing Authority clients. The City's First Time Home Buyer program assists with home ownership down payment assistance and home ownership counseling for clients considering homeownership.

The City coordinates with the Housing Authority for environmental reviews, housing needs assessments, assists in funding new projects when appropriate, and assists with applications for supportive services when called upon for needed assistance.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority implements the Family Self-Sufficiency program. This program links participants to community agencies to help them become self-sufficient through individual goal setting. Forty-one households have achieved homeownership through this program to date. Resident councils, an Advisory Board and the Family Self-Sufficiency Panel are involved in providing input on program needs and assisting others to become actively involved in the process. Additional information is included in the five-year plan on file at the Housing Authority office.

Each year, the Housing Authority goes through a process to assess physical needs addressed by tenants through their Resident Advisory Board for the Annual Plan process; comments are also solicited via Resident Council functions throughout the year. These comments, Board participation, tenant commissioners, and Public Housing Administration's daily communications with the Housing Authority's client base serve to assist in assessing client needs for physical adjustments, security issues, and needed links with the community. The physical needs requests are implemented along with staff recommendations in the Capital Fund planning process.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. The Housing Authority is a High Performer for PHAS and, therefore, a review of troubled status needs is not required as part of the Consolidated and Annual Action Plan.

DRAFT

Introduction

As stated in the SP-60 Homelessness Strategy of the Consolidated Plan, the Community Development Division's plan is to support the following activities to the greatest extent feasible:

- Continuing to develop and distribute the City's *Resource Map* and *Notepad* and the *Veteran's Resource Map*, which includes a comprehensive downtown service directory for anyone seeking assistance.
- Supporting capacity building efforts for nonprofit organizations who provide direct assistance to the homeless and those at risk of homelessness through the *Billings Metro VISTA Project*.
- Supporting ongoing *Community Innovation Summit* efforts to engage those living on the streets in service provision and treatment.

The City does not receive McKinney-Vento Homeless Assistance Act funds and is not required, nor has the authority or administrative leverage to develop and implement a Discharge Coordination Policy. The Montana Continuum of Care (MT CoC) for the Homeless Coalition is the state's lead agency for addressing homeless activities, and is a statewide collaboration of diverse homeless service providers, nonprofit organizations and local and state governments.

The City's work with the homeless is impacted significantly by the fact that it is not a direct recipient of homeless funding. Funds are provided to the State of Montana and are distributed by the State to various regions in Montana through the Human Resource Development Councils. A Continuum of Care application is prepared on a statewide basis and the City plays a supportive role in this process.

The City's homeless activities are complemented by the work of a primary provider of shelter to individuals and women and families in Billings; the Montana Rescue Mission (MRM). The MRM effectively raises funds to support its various activities including job training and transitional housing programs. The Rescue Mission traditionally has not pursued or accepted government grants.

The City does not receive Emergency Solutions Grant funds. These funds are then distributed statewide by the Montana Department of Public Health and Human Services through ten Human Resource Development Councils throughout the state. The local District 7 HRDC utilizes these funds to support rapid re-housing activities in conjunction with the local shelters.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Public and private agencies have assisted the City in developing a ten-year plan to impact homelessness, **Welcome Home Billings**. Local organizations that provide housing, health services, and social services have been intricately involved in planning processes for the homeless and chronically homeless, including members of the Mayor's Committee on Homelessness.

To the greatest extent possible, City staff will continue to implement **Welcome Home Billings**, the City's ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals as noted in the Consolidated Plan SP-40 Institutional Delivery Structure section. Specific Goals and strategies relative to **outreach** activities are as follows.

Cross Cutting Goals - Awareness:

- B: Increase advocacy and public knowledge on behalf of the homeless.
- B4: Provide venues for those experiencing homelessness to have their ideas and concerns heard.

Programmatic Goals & Priorities - Services:

- G: Expand treatment / service capacity and linkage to essential services.
- G1: Expand coordinated intensive case management and street outreach services for the homeless.

The Mental Health Center manages the Projects for Assistance in Transition from Homelessness (PATH) outreach program to engage those living outside or in areas unfit for human habitation. Tumbleweed runs a Street Outreach program to seek out unaccompanied youth to engage them in services. A complete listing of services, including outreach, is included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan.

Addressing the emergency shelter and transitional housing needs of homeless persons

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals as noted in the Consolidated Plan SP-40 Institutional Delivery Structure section. Specific Goals and strategies relative to **emergency and transitional housing** activities are as follows.

Programmatic Goals & Priorities - Housing:

- E: Increase the City's supply of decent, affordable housing.
- E1: Increase supportive housing units, permanent rentals, transitional housing units, veterans housing, emergency shelter beds, housing for those returning from prison and those in recovery.
- E2: Seek federal, state and local funding sources to support affordable housing development for households with very low income (zero - 30% AMI).
- E3: Build local service provider capacity for affordable housing development, management and housing rehabilitation.
- E6: Facilitate collaborative grant and loan applications for affordable housing development to serve the homeless.

Programmatic Goals & Priorities - Prevention:

- F: Expand treatment / service capacity and linkage to essential services.
- F1: Increase funding dedicated to rent, utilities and mortgage assistance.
- F2: Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.
- F3: Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail, and behavioral health facilities.
- F4: Utilize housing first and rapid re-housing philosophies in developing housing options to shorten homelessness.
- F5: Support case management efforts to transition occupants from shelter care to permanent supportive housing.
- F6: Support landlord-tenant intervention to prevent eviction.

The shelter homeless needs for the Billings community are primarily met by the Montana Rescue Mission, which operates both a men's shelter and a women and family shelter. Montana Rescue Mission does not seek nor utilize federal funds for its operation. Several local service providers assist homeless families by providing funding for rent, mortgage, utility, and deposit assistance.

The Community Crisis Center provides crisis intervention and 23 hour stays as a technique to impact chronic homelessness. The YWCA provides transitional housing for victims of domestic violence. A complete listing of services, including emergency and transitional housing, is included in the MA-30 Homeless Facilities and Services section of the Consolidated Plan.

For those living on the downtown streets of Billings, a new position has been created for an addiction / mental health counselor to accompany two downtown police officers when engaging people living on the streets. This initiative has been undertaken as one of the many outcomes from the Community Innovations Summit, which was facilitated by the Community Development Division and the Downtown Billings Alliance. A [recent article](#) published by the Billings Gazette highlights immediate successes as a result of this program.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. Specific Goals and strategies relative to **service, housing and prevention** activities are as follows.

Programmatic Goals & Priorities - Housing:

E5: Decrease barriers to obtaining existing housing units and refine housing placement services and coordination.

Programmatic Goals & Priorities - Prevention:

F: Expand treatment / service capacity and linkage to essential services.

F1: Increase funding dedicated to rent, utilities and mortgage assistance.

F2: Support incentive programs for landlords to rent to the homeless or those at risk for homelessness, and increase service provider capacity to engage in long-term leasing and / or rental ownership.

F3: Support pre-release / discharge planning education and intervention for all institutional services including foster care, prison, jail, and behavioral health facilities.

F4: Utilize housing first and rapid re-housing philosophies in developing housing options to shorten homelessness.

F5: Support case management efforts to transition occupants from shelter care to permanent supportive housing.

F6: Support landlord-tenant intervention to prevent eviction.

Programmatic Goals & Priorities - Services:

- G: Expand treatment /service capacity and linkage to essential services.
- G1: Expand coordinated intensive case management and street outreach services for the homeless.
- G2: Increase assistance to complete applications and facilitate application streamlining to access services, transportation, employment and housing.
- G3: Increase availability and capacity of health care, mental health, substance abuse services, medication assistance and access to legal assistance to the very low income / uninsured.
- G4: Support increases in capacity for day center operations across the city.
- G5: Support expansion of community-based, criminal justice diversion and re-entry programs.
- G6: Establish one-stop shop to access all services for the homeless.

Programmatic Goals & Priorities - Assets:

- H: Increase personal income levels and economic opportunities.
- H1: Increase access to social service and income benefits by ensuring assistance is provided to complete applications.
- H2: Support asset development, education, job training, and employment opportunities serving the homeless (and those at risk of homelessness) throughout the community.
- H3: Establish mentoring support systems, life skills training, and childcare assistance to the homeless (and those at risk of homelessness) currently in the workforce.
- H4: Support the expansion of financial fitness and credit assistance programs.
- H5: Promote fair wage rates and competitive bidding through the expansion of social enterprise efforts.
- H6: Increase financial management services for those in need.

A complete list of service providers offering housing, services and prevention support is located in MA-30 Homeless Facilities and Services.

Helping low income individuals and families avoid becoming homeless, especially extremely low income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

To the greatest extent possible, City staff will continue to implement *Welcome Home Billings*, the City's ten-year plan to impact homelessness. Specific Goals and strategies relative to **prevention** activities are as follows.

Programmatic Goals & Priorities - Prevention:

- F: Expand treatment / service capacity and linkage to essential services.
- F1: Increase funding dedicated to rent, utilities and mortgage assistance.

Introduction

Several barriers to the affordable housing development and maintaining residency in housing have been identified. They include:

- **Economic Conditions:** The Needs Assessment and Market Analysis indicate median housing cost has exceeded median household income for certain household income levels. Lower income households have a difficult time affording and maintaining a suitable home in the current market.
- **Cost of Development:** This includes infrastructure costs and leapfrog development.
- **Difficulty in Paying for Needed Repairs:** Many low income households pay greater than 30% to 50% of their income for housing costs. Many of these households do not have the resources to pay for needed repairs to the property.
- **Few New Manufactured Housing Developments:** It is a challenging process for new manufactured housing developments to be approved, which may raise the price of existing lots due to the value of limited units. Owners of manufactured homes have a difficult time finding an affordable place for their housing unit. While manufactured housing has drawbacks, it also provides an affordable rental lot option for many families. The construction quality with manufactured housing continues to improve.
- **Tax Structure:** Dependence on property taxes to support local government costs, including infrastructure.

Additional barriers have been identified in the City's Analysis of Impediments to Fair Housing Choice, including:

- Concentrations of minorities that would not exist in a free market not distorted by discrimination suggest that Billings has a dual housing market; one for non-Hispanics, Whites and Asians and another for all other minorities.
- Discriminatory real estate industry practices such as racial and ethnic steering distort the free market in housing.
- Discrimination against Latinos in issuing government-backed mortgage and refinancing loans continues unabated in Billings as it does throughout the nation.
- The relatively high cost of housing continues to pose a barrier to fair housing choice in Billings.
- A review of Unified Zoning Regulations and review requirements to foster compliance with fair housing law and to promote inclusionary zoning.
- There is a serious shortage of housing affordable to holders of Housing Choice Vouchers in the areas where the proportion of public school students from low income neighborhoods is relatively low.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City plans on assisting with: housing affordability for renters / owners; cost of development; difficulty in paying for needed repairs; manufactured housing developments; and tax structure by implementing the following programs:

- Housing Rehabilitation
- Manufactured Home Repair
- Foreclosure Acquisition / Rehabilitation
- First Time Home Buyer
- Affordable Housing Development
- Billings Metro VISTA Project

Relative to the barriers identified in the City's Analysis of Impediments to Fair Housing Choice, the City plans on the following:

- Produce and disseminate consumer education on Fair Housing issues through ongoing publicity campaigns to make people aware that they can move anywhere in the area they can afford.
- Work to expand housing choices of existing and potential new residents beyond neighborhoods identified by their own race or ethnicity.
- Continue to partner with enforcement agencies providing testing of the real estate industry practitioners to identify discriminatory practices in rental and for-sale housing.
- Support the efforts of local housing counseling agencies, especially to Latinos, before they apply for a mortgage.
- Continue to provide brochures containing information apprising potential home buyers of the availability of housing counseling and how to spot / report discriminatory lending practices.
- Continue to work toward the provision of affordable housing through Community Development programs.
- Support the efforts of the Planning Division in reviewing:
 - Minimum percentage of affordable housing units per development with five or more units.
 - Housing Authority of Billings first right of refusal for inclusionary units.
 - Amendments for neighborhood plans to promote stable, socio-economically diverse neighborhoods throughout Billings.
 - Affirmative marketing and billboard advertising requirements.
 - Developer brochure distribution requirements.
 - Fair Housing logo / language requirements for agreements.
 - Occupancy requirements and equal treatment for group living for the disabled.
 - Accessory dwelling units / cottage cluster homes.
- Support efforts promote economic diversity in all schools to ensure every school has a majority of pupils coming from middle-class / higher-income households.
- Support the Housing Authority's efforts to expand the geographic range where holders of Housing Choice Vouchers look for housing.

Introduction

The City's programs have been designed to meet priority needs in the community. However, there is very limited funding coming through the City to meet the needs of local citizens.

Actions planned to address obstacles to meeting underserved needs

The City plans on meeting underserved needs through the following programs:

- **Affordable Housing Preservation:** Housing Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and Foreclosure Acquisition / Rehabilitation.
- **New Affordable Housing Opportunities:** Community Housing Development Organizations, Affordable Housing Development, and First Time Home Buyer.
- **Housing Choice:** Fair housing education in all City programs and supporting the Billings Home Center.
- **Poverty Impact:** Billings Metro VISTA Project.

Please Note: The priority need identified to expand housing choice is supported by administrative activities and will not be allocated separately from the above.

Actions planned to foster and maintain affordable housing

The City plans on maintaining affordable housing through the following programs:

- **Affordable Housing Preservation:** Housing Rehabilitation, Manufactured Home Repair, Affordable Housing Development, and Foreclosure Acquisition / Rehabilitation.
- **New Affordable Housing Opportunities:** Community Housing Development Organizations, Affordable Housing Development, and First Time Home Buyer.

Actions planned to reduce lead-based paint hazards

The City continues to be in compliance with HUD's lead-based paint requirements as established in September of 2000. According to the American Community Survey estimates from 2007-2011, it is estimated that there are over 29,317 housing units built before 1979 that are at risk of containing lead-based paint, which comprises 64% of the total housing stock in Billings. Not all of the homes built prior to 1979 contain lead-based paint and lead hazards. However, projects involving structures built prior to 1978 are considered to have the potential for lead-based paint and consistent procedures have been developed to ensure compliance with federal regulations.

In 2012, the Center for Disease Control recommended action for children with elevated levels greater than or equal to five ug/dL. The Montana Department of Public Health and Human Services cited a [2012 field study](#) conducted in 11 counties in the state. Children enrolled in Medicaid aged one to five years were tested for elevated blood lead levels. Nearly 600 children participated in the study, and three percent of the children had levels \geq five ug/dL. One in four of the children tested had \geq one ug/dL. This information is the latest data available on children in Montana and exposure to lead as of March 2014.

The City will continue diligence while undertaking rehabilitation and construction activities in order to maintain the safety of households participating in federal programs. Participants in the City's housing programs are made aware of the requirements the City must follow when providing assistance. Education on the hazards of exposure to lead is provided for each rehabilitation project. The City currently offers risk assessments, through certified staff, paint inspections, clearance testing, and has access to lead-safe certified contractors to ensure compliance.

In addition, the City also promotes lead-safe work practices training whenever it is offered in Montana, which gives local contractors the opportunity to become certified in lead-safe work methods. The City will continue to maintain working relationships and partner in furthering educational efforts with lead-based paint professionals to ensure HUD requirements are effectively met.

Actions planned to reduce the number of poverty-level families

As stated in the SP-60 Homelessness Strategy of the Consolidated Plan, the Community Development Division staff plans on supporting the following to the greatest extent feasible:

- Continuing to distribute the City's Resource Map and Notepad, which includes a comprehensive downtown service directory for anyone seeking assistance.
- Efforts to support nonprofit organizations who provide direct assistance to the homeless and those at risk of homelessness through the Billings Metro VISTA Project.
- Ongoing Community Innovation Summit efforts to engage those living on the streets in service provision and treatment.

To the greatest extent possible, City staff will continue to implement **Welcome Home Billings**, the City's ten-year plan to impact homelessness. It is a comprehensive document that includes data, resources, cross-cutting strategic goals and programmatic goals. The City also plans on reducing the number of poverty-level families through the Billings Metro VISTA Project.

Actions planned to develop institutional structure

Affordable Housing Preservation: The City can address priority needs through home repair programs such as Housing Rehabilitation and Foreclosure Acquisition / Rehabilitation programs. Contractors trained in lead-safe work methods are limited and staff advertises contractor opportunity through print media, on the City's website, through the Neighborhood Task Forces and holding public informational meetings. Emphasis on the provision of opportunity to Section 3, minority and women-owned businesses ensures furthering equal opportunity to low income owners / employers, racial / ethnic minorities and businesses owned by women.

New Affordable Housing Opportunity: The City maintains positive relations with the Housing Authority of Billings, developers, lenders, realtors and others to ensure collaboration and engagement in the implementation of First Time Home Buyer and Affordable Housing Development programs. The City has one currently certified Community Housing Development Organization and is actively seeking additional organizations for the purposes of affordable housing development.

Housing Choice: City staff maintain positive and close relationships with the staff at Montana Fair Housing, which is the primary organization in fair housing education and enforcement for the state. The City's Analysis of Impediments to Fair Housing Choice revealed the beginnings of segregated neighborhoods and lending discrimination for Hispanic Americans in Billings. The Analysis contained the following recommendation:

Billings should establish a housing service center, much like the Oak Park Regional Housing Center, where home seekers are introduced to housing options beyond the racial or ethnic neighborhoods to which they often feel they are limited. In Billings, the housing service center should seek to expand the housing search of minorities beyond the census tracts where the proportion of minorities is significantly greater than would be expected in a free market without discrimination.

At the invitation of the City, NeighborWorks Montana researched the potential of a comprehensive housing center to serve low income renters and homeowners. All of the Billings housing organizations, including the City of Billings, the Housing Authority of Billings, Rebuilding Together, District 7 HRDC, Rural Dynamics, Beartooth Resource Conservation and Development, and Homeward agreed to join together to form the Home Center of Billings. A suitable building was located in downtown Billings, central to the City's low income and minority neighborhoods. The Home Center officially opened in July 2015.

The Home Center provides comprehensive housing services including fair housing information, housing education, counseling, development and revitalization. As a collaboration, no single entity will provide all of the services, but collectively, services can be available under one roof, creating the opportunity for a potential homebuyer or a renter seeking safe, affordable homes to access all of the services in a one-stop-shop.

Poverty Impact: CDBG and HOME resources are not adequate to meet the needs of the homeless and those experiencing poverty in Billings. The City's main anti-poverty initiative is the implementation of the Billings Metro VISTA Project. The City has provided full-year and summer associate support to 43 nonprofit organizations to date and the continuance of this initiative is imperative for service delivery to those in need.

The Billings Metro VISTA Project enables the City to support nonprofit organizations in a sustainable fashion since the provision of public service grants is no longer an option due to historically low CDBG allocations.

Actions planned to enhance coordination between public and private housing & social service agencies

The City will continue coordinating with public, private, and social service agencies to further activities and projects identified herein, including participation in the following groups and initiatives, to the greatest extent feasible given current funding levels and staff duties:

- Neighborhood Task Forces
- Adjacent Neighborhood Committee
- Billings Metro VISTA Project
- Resource Map and Notepad
- Community Innovations Initiatives

Introduction

The City of Billings has programmed all available revenues in current programs identified herein.

**Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)**

1. Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.	\$0
2. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed.	\$0
3. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	\$0
4. The amount of surplus funds from urban renewal settlements.	\$0
5. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	\$0
6. The amount of income from float-funded activities.	\$0
Total Program Income:	\$0

Other CDBG Requirements

1. The amount of urgent need activities.	\$0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two, or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specific the years covered that include this Annual Action Plan.	100%
Years Covered are 2018-2019	

Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The above-noted regulation refers to the use of HOME funds for eligible activities. The City of Billings will not utilize HOME funds outside of the following allowable investments:

- Equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this part, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with the purposes of this part. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this part.
- Guarantee loans made by lenders and, if required, the participating jurisdiction may establish a loan guarantee account with HOME funds. The HOME funds may be used to guarantee the timely payment of principal and interest or payment of the outstanding principal and interest upon foreclosure of the loan. The amount of the loan guarantee account must be based on a reasonable estimate of the default rate on the guaranteed loans, but under no circumstances may the amount on deposit exceed 20% of the total outstanding principal amount guaranteed; except that the account may include a reasonable minimum balance. While loan funds guaranteed with HOME funds are subject to all HOME requirements, funds which are used to repay the guaranteed loans are not.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Recapture provisions permit the original homebuyer to sell the assisted property to any willing buyer during the period of affordability while the City is able to recapture all or a portion of the HOME assistance provided to the original homebuyer. The City utilizes recapture provisions exclusively when assisting homeowners and the provisions are enforced via a Promissory Note (not recorded), the use of a Deed Restriction Agreement and a Montana Trust Indenture that are both recorded at the Yellowstone County Clerk and Recorder's office. These written, legal documents contain language outlining the recapture provisions as established herein. The City does not use subrecipients or other grantees to carry out these activities.

Homebuyer Requirements: In order for homeownership housing to qualify as affordable housing eligible for HOME funding, it must be: single-family; considered modest housing; be acquired by a low income household for their principal residence; and meet affordability requirements for a single period of time as determined by the amount of assistance provided. The City utilizes HUD's 95% of the median purchase price limit set forth by 24 CFR 92.254(a)(2)(iii); single family mortgage limits under Section 203(b) of the National Housing Act.

Direct HOME Subsidy: The amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes down payment and closing costs provided directly to the homebuyer, which resulted in a reduced purchase price from the fair market value of the home to an affordable price. The entire amount of HOME assistance is subject to recapture.

Net Proceeds: The sales price, less the superior loan repayment and any closing costs. The City will only recapture the net proceeds from a sale. Any loans or improvements made to the property after

the time of the HOME assistance will be paid after the City is repaid the amount owed under its recapture provisions. If the net proceeds are not sufficient to recapture the full HOME investment, the City will accept the available net proceeds as full payment.

Recapture Model - City Recaptures Entire HOME Assistance Amount: The City allows the assisted homebuyer to retain all appreciation and the City expects to recapture the entire direct HOME subsidy invested in the project. Therefore, the homeowner will retain any value of the appreciation of the property after the City's HOME assistance has been recaptured / repaid. The homeowner's down payment, principal payments, and any capital improvement investment made in the property after the HOME assistance was provided will be returned to the homeowner at closing after the City's HOME assistance is recaptured and repaid from the net proceeds as described above.

Subordination: The City does not subordinate loans in the First Time Homebuyer program and other homeowner-assisted projects without City Council approval. Therefore, if an assisted homeowner refinances the property, the City will need to be repaid the full amount of HOME assistance provided. Assisted homeowners wishing to pursue City Council approval may write a letter explaining the need for the subordination and submit it to the Community Development Division. Staff will then prepare a memo and place the subordination on the Community Development Board agenda for recommendation to the City Council.

Use of Recaptured Funds: Recaptured HOME funds will be used to assist other first time homebuyers to purchase property in Billings or other HOME-eligible activities to be determined through the City's budget allocation process in accordance with the Citizen Participation Plan. Homebuyers must be low-income and must use the assisted property with the recaptured funds as their principal residence. Low-income and first time homebuyer status will be determined based on HOME program regulations.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds. See 24 CFR 92.254(a)(4) are as follows:

Long Term Affordability: Under the recapture provision, there is no requirement that the original HOME-assisted homebuyer sell the unit to another low-income homebuyer.

Affordability Periods: For City-assisted homebuyer units under the recapture provision, the period of affordability is based upon the direct HOME subsidy provided to the homebuyer that enabled the homebuyer to purchase the unit. Any program income used to provide direct assistance to the homebuyer is included when determining the period of affordability. Recapture provisions for the First Time Homebuyer program are either five or ten years for each assisted property beginning after the transfer of the property to the property owner as evidenced by the Deed Restriction Agreement, Montana Trust Indenture and Promissory Note.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Billings does not propose the use of HOME funds to refinance existing debt secured by multi-family housing that is being rehabilitated with HOME funds.

Section IV: Appendix

Appendix A: CDBG Application for Federal Assistance (SF-424)

Appendix B: HOME Application for Federal Assistance (SF-424)

Appendix C: Local Government Certifications

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Appendix D: Citizen Participation Plan

The City's Citizen Participation Plan is designed to ensure citizen involvement in the planning and reporting on programs covered under the HUD Consolidated and Annual Action Plan requirements. The purpose of the Citizen Participation Plan is to ensure that citizens, nonprofit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports regarding the City's federally funded housing and community development programs. 91.105

Citizen Participation Plan Objectives

The primary objectives of the City's Consolidated and Citizen Participation Plans are to:

- Encourage citizen participation in the development of the Consolidated / Annual Action Plans and the CAPER with emphasis on participation from individuals and households identified as low to moderate income, residents of blighted areas, minorities, those with limited English proficiency, the disabled, single-headed households and those residing in areas where funding will be utilized.
- Provide citizens with reasonable and timely access to meetings, information and records relating to the City's plan for utilizing funding in addition to allowing reasonable opportunity to comment on the Consolidated / Annual Action Plan, the Citizen Participation Plan and the CAPER.
- Finalize consultation with the Housing Authority of Billings (HAB) on the development and implementation of the Consolidated Plan through the Annual Action Plan, which includes input from residents of public and assisted housing.
- Provide technical assistance to neighborhood task forces which represent the low to moderate income residents and the highest concentrations of minority populations in Billings.
- Provide public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. All hearings and meetings shall be provided in areas where accommodations for the disabled can be provided.

Community Development Board

The Community Development Board is a citizen's advisory board consisting of nine members who are appointed by the Mayor of Billings with the consent of the City Council. Six members are appointed from lower-income neighborhoods of the City as defined by federal regulations for the Community Development Block Grant (CDBG) program and three members represent the community at large. This board serves in an advisory capacity to the City Council for the purpose of providing citizen input on policy decisions to the City Council. The primary responsibilities of the board are to review existing and proposed City policies and to review the Community Development Division's activities to ensure policies are being implemented and carried out.

The Community Development Board makes recommendations to the City Council regarding the Consolidated Plan, the Annual Action Plan, the Citizen Participation Plan, and the CAPER. In addition, the Community Development Board reviews applications submitted for CDBG and HOME funding in order to make funding recommendations to the City Council for approval.

Billings City Council

The Billings City Council is the final governmental policy body that reviews and takes action on the Annual Action Plan, including the Citizen Participation Plan. The Community Development Board presents recommendations to the City Council during a scheduled work session preceding the public hearing in April to deliver information on decisions made regarding recommendations. After receipt and consideration of public

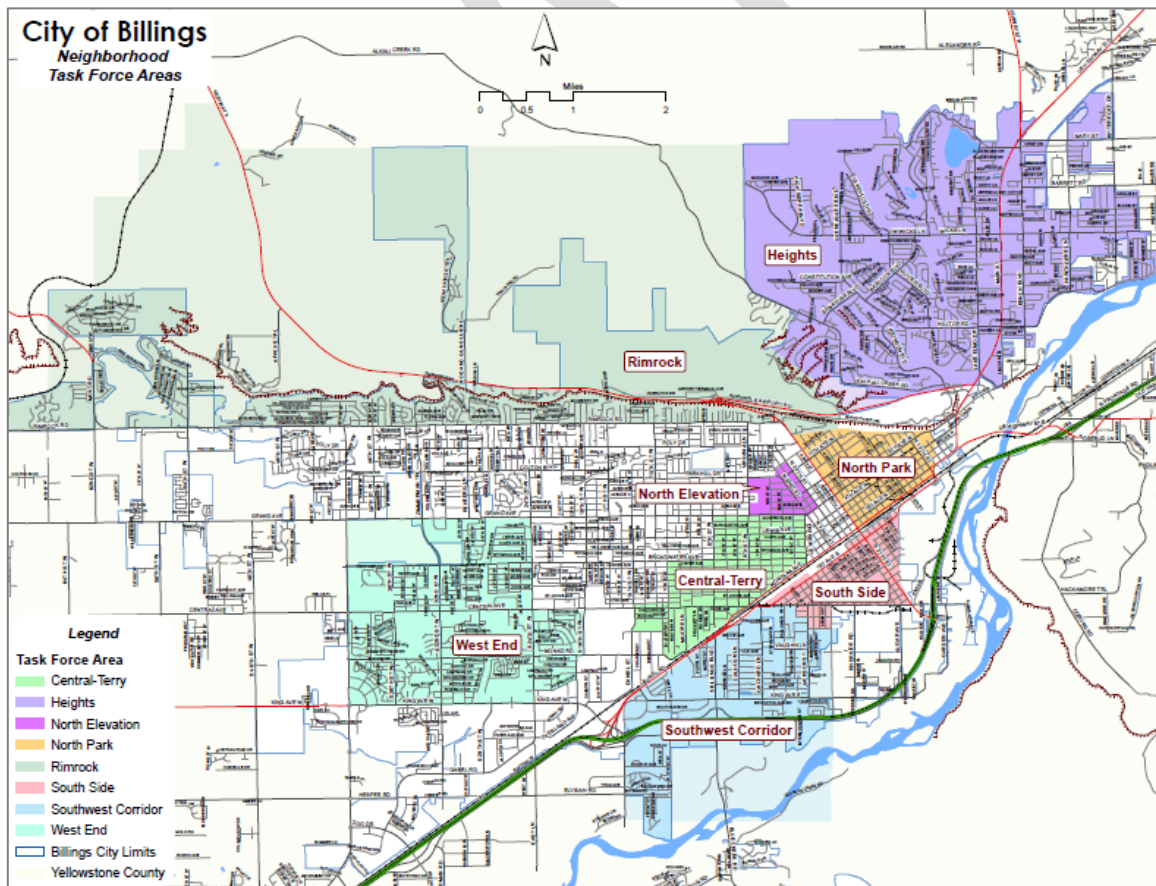
comments, the City Council approves the Annual Action Plan and proposed funding allocations. Following approval in May, the Annual Action Plan is forwarded to HUD.

Neighborhood Task Forces Representing Low-Income, Minority & Single-Headed Households

To encourage citizen participation emphasizing the involvement of lower-income residents in areas where housing and community development funds may be spent, the City will continue to work with neighborhood organizations representing the City's lower-income areas. These areas are predominantly illustrated as established task force areas in Billings. A map of the City's Neighborhood Task Force areas is located below.

The City will continue to work with Neighborhood Task Forces that represent the community's low income and high minority areas to ensure input from these areas in the development and implementation of the City's community development strategies as described in the Consolidated Plan. The City will also continue to support the activities of the Adjacent Neighborhood Committee, which is comprised of Task Force officers who meet bi-monthly to collaborate and exchange information regarding the Task Force areas. The Community Development Division will continue to request input from Task Force participants on housing and neighborhood activities for the annual allocation process.

The Community Development Division staff attends meetings of low income task force neighborhoods when requested for specific presentations. Staff also provides information regarding housing and community development programs and activities during each allocation process and garners rankings of housing / neighborhood activities preferred for funding.



Participation through Partnerships

The Community Development Division's vision is to act as a catalyst for joining community partners with resources to increase access to housing, to create a sustainable community and to promote neighborhood revitalization. The Division's mission focuses on striving to exceed the expectations of stakeholders by supporting housing and community partners with quality leadership, accountability, and innovative programs and services. Guiding values and principles include:

- Embracing diversity and being respectful of all viewpoints.
- Utilizing creativity to develop best practices in programs, administration, and community service.
- Recognizing the City's first responsibility is to low-income individuals who would most benefit from programs.
- Showing integrity as public servants to thoughtfully manage and pursue resources to the benefit of the community.

Racial / Minority / Single-headed Household Participation

Actions taken to establish and oversee a minority outreach program to ensure inclusion of minorities and women, entities owned by minorities and women, including real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, and underwriters in all contracts is accomplished by the following:

- Maintaining a current email distribution list for the lending community and the real estate community at large in the Billings area, including women, low income individuals, minorities, and single-headed households.
- Annual advertisement for contractor opportunities in construction in publications distributed to low-income, and minority and single-headed households.
- Contract opportunities for contracts are distributed to :
 - Chairpersons for the neighborhood task forces, which cover both low income areas and higher concentrations of minority residents, including single-headed households. The City's most concentrated minority populations are located in the Southside, Southwest Corridor, North Park, North Elevation, and Central -Terry Park task force neighborhoods.
 - Housing Authority of Billings to post for residents utilizing public assistance, also a higher female headed-household and minority population.

For additional information on standard practices, please refer to the City's comprehensive [Section 3 procedures](#), available online.

Persons with Disabilities & Reasonable Accommodation

The City provides accommodations for individuals with disabilities in public meetings, public hearings and in written documentation regarding programs and services available from the Division. Statements are included in notices of public hearings and service brochures indicating that office and hearing locations are accessible to persons with disabilities. Accommodations can be made for other disabilities as well.

Limited English Proficiency & Language Assistance Plan

The City complies with federal regulations regarding the provision of a Language Assistance Plan in order to adequately provide for the needs of those individuals who have self-identified a primary language

which is not English. Statements are included in notices of public hearings and service brochures regarding the availability of language interpretation for those requiring this accommodation.

Technical Assistance

The Community Development Division provides technical assistance as requested and as staff time allows to lower income groups to develop proposals for housing and community development activities in the City limits. The technical assistance is offered any time proposals for the use of funding are requested, and is offered routinely in January prior to application deadlines for CDBG / HOME funding allocations.

Public Involvement & Consolidated / Annual Action Plan Review

Citizen participation is the foundation of housing and community development programs. Reasonable efforts are made to make all citizens aware of public hearing and citywide events concerning the development of the Annual Action Plan.

City Council agendas covering housing and community development programs are made available to the public as required by Montana State Law. The City follows State Law governing advertising of public hearings required for CDBG and HOME activities. The City is required to advertise the public hearing on two consecutive Thursdays prior to the City Council Meeting on Monday, or Tuesday in the event of a federally-recognized holiday falling on a Monday.

Plans and reports on the City's housing and community development activities are made available for review by citizens, public agencies, and other interested parties. These documents are available at the Community Development Division office and posted on its website at www.CityofBillings.net. All records regarding these activities are maintained according to the City Record Retention Schedule and as required by federal regulations.

Public Hearings

The City holds public hearings each year regarding housing and community development activities. A public hearing is held by the City Council in April to provide nonprofit agencies, organizations, and individuals with an opportunity to provide input on the Consolidated / Annual Action Plan and the allocation of CDBG and HOME funds in the community. A second public hearing is held by the City Council in September to gather public input on the City's performance and progress in meeting the strategies included in the City's Consolidated Plan and Annual Action Plan for the previous fiscal year ending each June 30th. All public hearings are accessible to disabled individuals, publicized as required by State law and allow for accommodation of individuals with hearing, visual, or mobility impairments.

Report & Plan Availability

The availability of the reports and plans required under the Consolidated Plan is published in the local newspaper with complete copies available on the internet at www.CityofBillings.net and at the City's Community Development Division office. The public notice describes the contents and purpose of each document including the location at which the complete plan can be examined. Subrecipients, housing partners, and Neighborhood Task Force chairpersons are contacted regarding the availability of the information described above.

A summary of the plan development process and public comments received during this process will be included in final version of the Consolidated Plan, Annual Action Plans, and Comprehensive Annual Performance and Evaluation Report submitted to HUD. The Community Development Division office is

located at 2825 3rd Avenue North, 6th Floor, Billings, Montana 59101 and has office hours Monday through Friday, 8:00am to 5:00pm.

Public Comments

Public comments are requested at least 30 days prior to submission of reports required under HUD's Consolidated Plan process. The City will consider all written comments by citizens, public agencies and other interested parties prior to submission of its final Consolidated Plan and related reports to HUD. The Plan will include a summary of each comment. If written comments are not accepted for inclusion in the Plan, the City will provide written explanation of why those comments were not accepted.

The City provides written responses to all written complaints and grievances related to the Consolidated Plan requirement and the City's housing and community development programs within 15 working days of receipt of the complaint or grievance where practical.

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Affidavit of Publication

STATE OF MONTANA
County of Yellowstone

Jonathan McNiven

Being duly sworn, deposes and says:

That he is the Legal Advertising Clerk of Yellowstone County News, a newspaper of general circulation published weekly in the City of Huntley, in the County of Yellowstone, State of Montana, and that the (3) folio legal **Public Notice**, a true copy of which is hereto included, was published in said newspaper on the following dates:

December 15, 2017; December 22, 2017;

making in all (2) publication(s).

Jonathan S McNiven
STATE OF MONTANA
County of Yellowstone

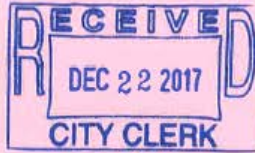
On this 22nd day of December 2017, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jonathan McNiven, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal that day and year first above written.

Tana McNiven
Tana McNiven

NOTARY PUBLIC for the State of Montana, residing at Huntley, MT.

My commission expires: August 23, 2020



PUBLIC NOTICE

Housing & Community Development Funding Requests

As a part of the City of Billings' Consolidated Planning process, the City is accepting loan applications for FY2018-2019 Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding. The City of Billings anticipates allocating an estimated \$550,000 in new CDBG funding for community development activities, which primarily benefit lower income neighborhoods or households. The City of Billings also anticipates allocating an estimated \$275,000 in new HOME funding for activities to preserve or increase the supply of affordable housing for lower income households in Billings. Actual allocation figures are not available as of publication date. Applications may be downloaded from the City's website at www.ci.billings.mt.us/allocations. Requests for funding must be submitted to the Community Development Office by 5:00 p.m., Wednesday, January 24, 2018.

For further information on eligible activities or to obtain the application materials via email, please call Brenda Beckett, Community Development Manager, at 406-657-8286 (TTY 711) or contact via email beckettb@ci.billings.mt.us or write to:

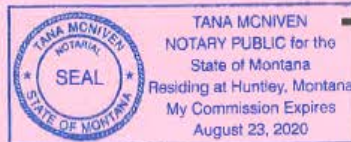
Community Development Division
City of Billings
P.O. Box 1178
Billings, MT 59103

Technical assistance is available upon request to interested parties through the Community Development Office. The City of Billings encourages all members of the community to participate in the Consolidated Planning process. Special arrangements for participation by individuals with hearing, speech, vision impairment or physical disabilities can be made upon request. Non-English speaking persons wishing to participate will also be accommodated through translation and / or interpretation in accordance the City's Language Assistance Plan. Fair Housing Equal Opportunity.

Published on December 15th and 22nd, 2017.

Denise R. Bohlman
Billings City Clerk
P. O. Box 1178
Billings, MT 59103

12/15, 12/22 2017
MNAXLP



Public Hearing Notice Pending Publication

Appendix F: Public Comments

Public Hearing: On April 23, 2018, a Public Hearing was held at the Billings City Council meeting at City Hall, 210 North 27th Street, Billings, Montana. Staff member Brenda Beckett presented materials on the Annual Action Plan.

Public comments made at the meeting are summarized below:

- **Name** noted...pending
- **Name** commented...pending

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COMMUNITY DEVELOPMENT DIVISION

ESTIMATED Revenue FY 2018-2019

	CDBG	HOME	Totals
HUD Entitlement Grant	\$650,000	\$350,000	\$1,000,000
% Cap on CDBG / 10% on HOME Administration (Maximum)	\$130,000	\$35,000	\$165,000
15% CDBG Public Service Cap (Maximum)	\$97,500	-	\$97,500
15% HOME CHDO Allocation (Minimum)	-	\$52,500	\$52,500
CDBG Available for Home Repair & Buyer	\$422,500	-	\$422,500
HOME Available for Home Buyer	-	\$262,500	\$262,500

Community Development Board & Staff Recommendations

Budget Estimates	CDBG	HOME	New \$ Totals
CDBG Administration	\$130,000	-	\$130,000
VISTA Administration (Public Service)	\$75,000	-	\$75,000
HOME Administration	-	\$35,000	\$35,000
Set-Aside for CHDOs	-	\$52,500	\$52,500
Affordable Housing Development	\$0	\$0	\$0
First Time Home Buyer Program	\$95,000	\$262,500	\$357,500
Housing Rehabilitation Loan Program	\$100,000	-	\$100,000
Manufactured Home Repair	\$0	-	\$0
Foreclosure Acquisition Rehab	\$250,000	-	\$250,000
Total Allocated	\$650,000	\$350,000	
Estimated \$ Available	\$650,000	\$350,000	
Difference	\$0	\$0	

Budget Recommendations:*

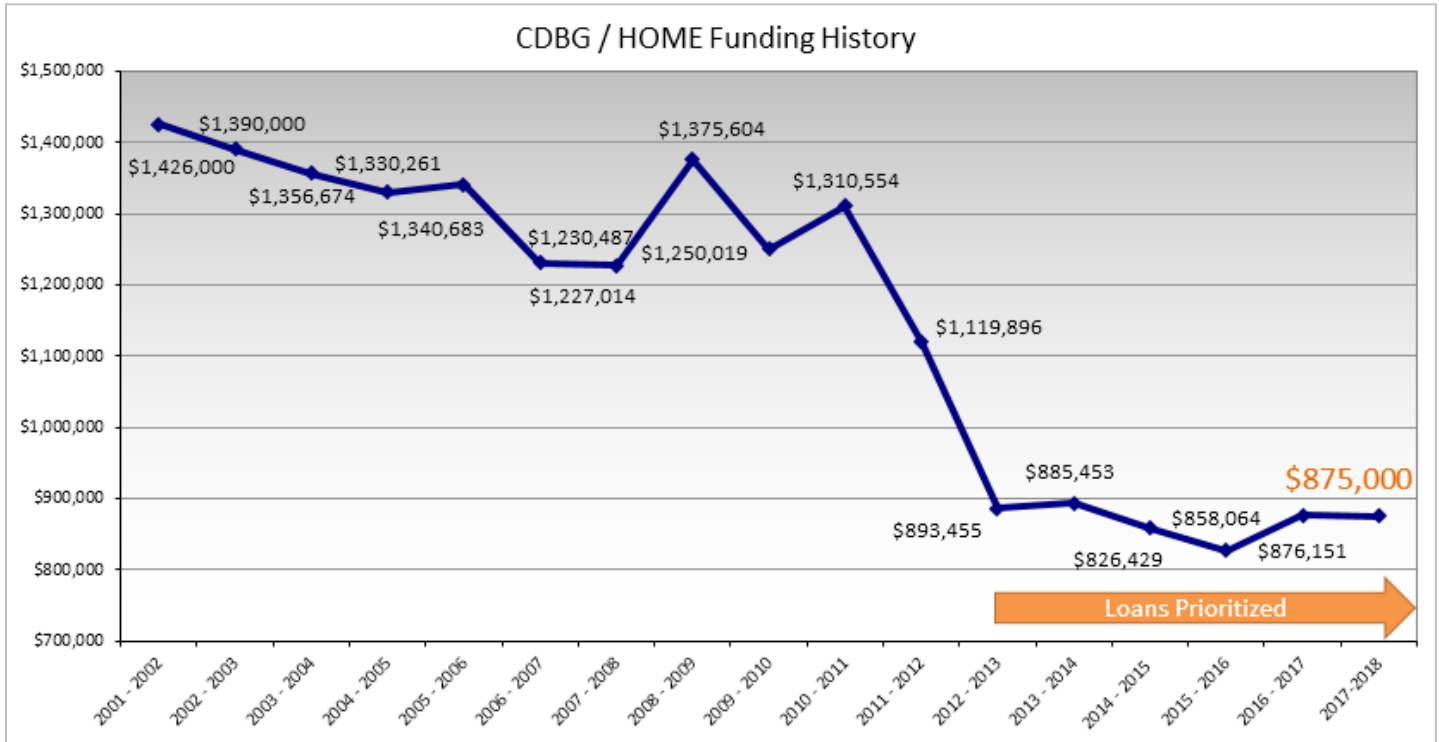
- CDBG and HOME Administration to highest levels allowed by cap
- Minimum HOME Community Housing Development Organization set-aside
- \$75,000 or 15% CDBG to the Billings Metro VISTA Project, whichever is less
- Housing Rehabilitation \$100,000 CDBG
- Foreclosure \$250,000 CDBG
- Remaining CDBG to First Time Home Buyer
- Remaining HOME funds allocated to First Time Home Buyer

**Continue close- and shovel-ready allocation process to ensure efficient use of available funding*

Community Development Division

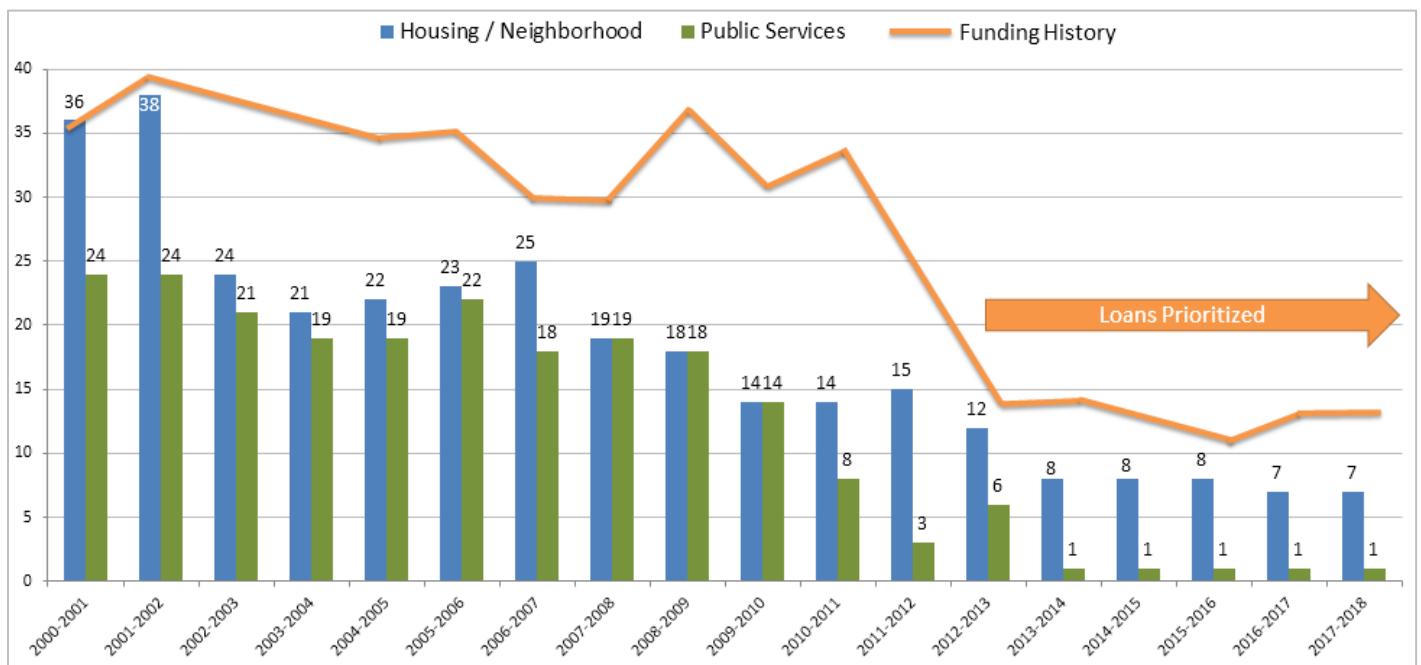
ALLOCATION AND FUNDING HISTORY

Funding Levels: HUD funding levels have declined significantly in recent years and staff does not foresee these programs increasing in the future. Federal priorities are favoring competitive grant programs rather than entitlements like the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs. The Community Development Board and City Council began favoring loan programs rather than grants beginning in 2012-2013; the year funding levels significantly declined.



Grant to Loan Program Transition: When funding levels dropped to critical levels in 2012, the Community Development Board and City Council both supported prioritizing loan programs from 2012 forward. The following chart illustrates the number of housing / neighborhood and public service applications the Community Development Board considered. The chart also compares funding history to the number of applications.

Number of Applications Considered & Funding History

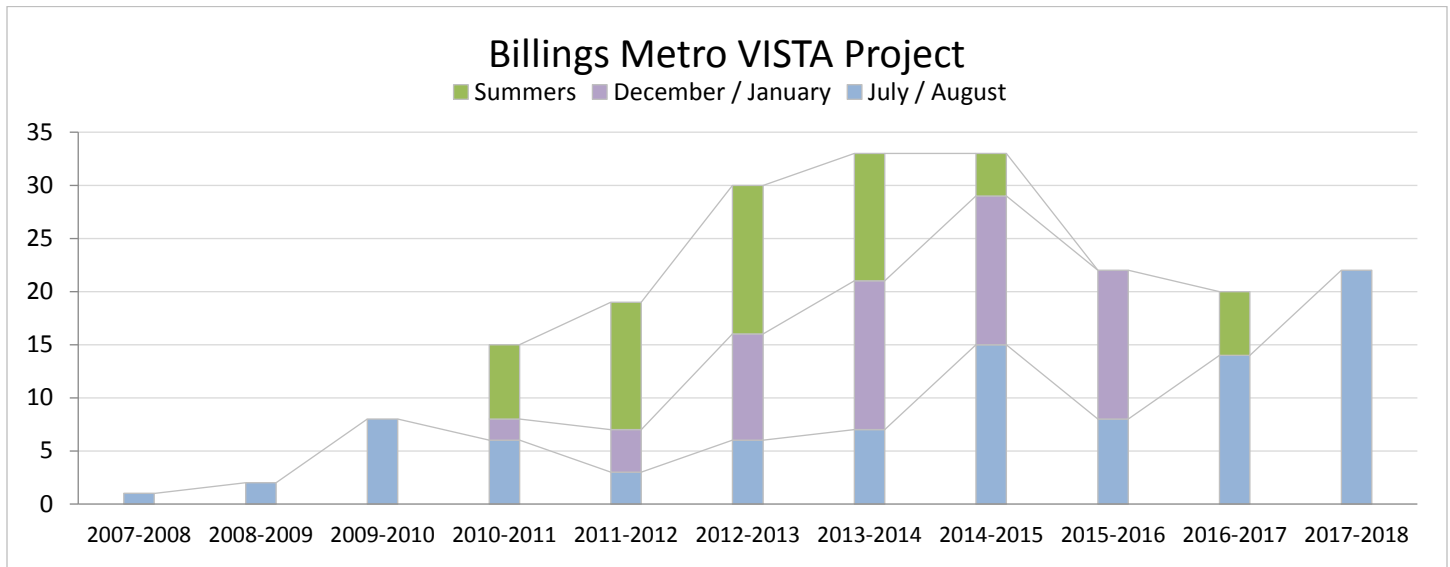


CDBG Public Service Grant Restrictions: In order to be eligible for CDBG funding, Public Service activities are required to be a *new or expanded service (quantifiable increase in level of a service over the past 12 months)*, as the intent of the fund is to support capacity-building. Many of the organizations applied for City funds year after year which would not be considered new or expanded services, if audited today.

Grants Awarded: Staff has records from 1994 to the present that can easily be reviewed for data purposes, which represents over \$2.7 million in grants awarded to over 40 non-profit organizations in Billings. Figures below do not represent additional funding for housing projects. For example, Interfaith Hospitality Network was provided with \$498,000 for housing to accommodate homeless families and the YWCA was awarded \$182,400 for the Gateway Shelter. Additional grant funding has been provided through fair housing education grants through the Fair Housing Initiatives Program (FHIP) for several organizations.

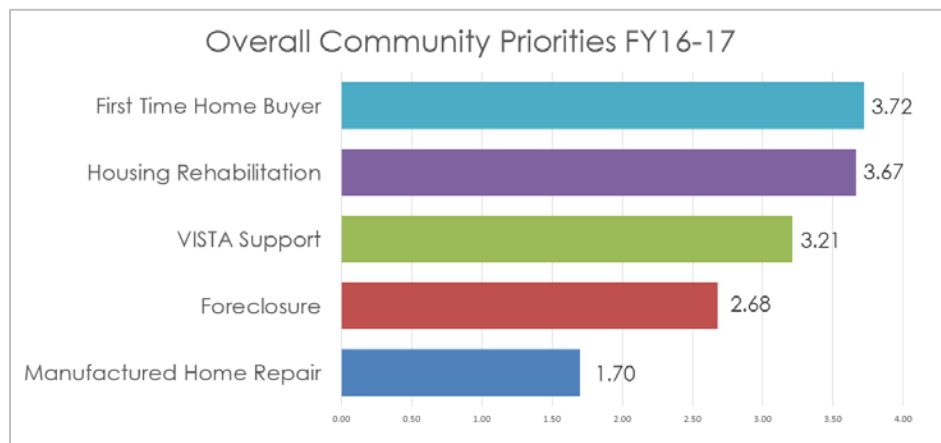
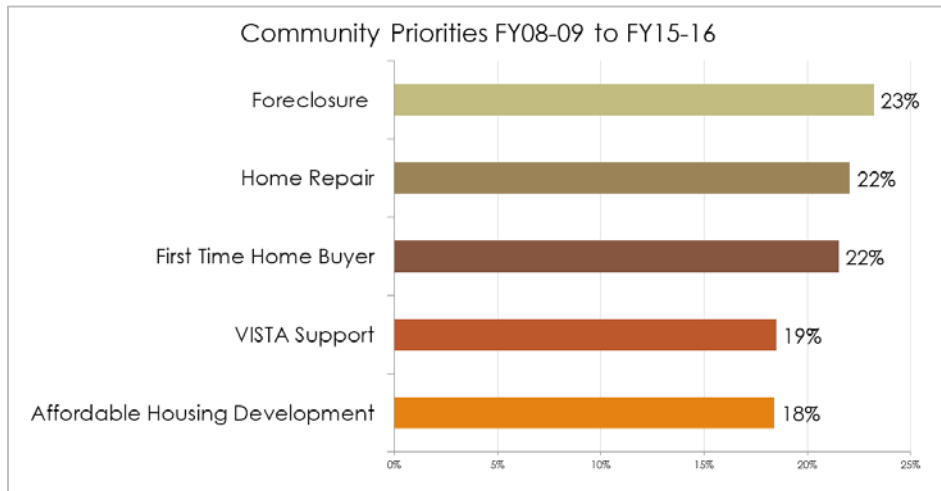
Non-Profit Organization	# Grants	Year Span	Total Grants
Big Brothers & Big Sisters	5	1997-2007	\$22,845
Big Sky Senior Services	24	1997-2010	\$316,458
Billings Health Planning Coalition	4	1997-2005	\$27,000
Billings Promise	1	1999	\$6,157
Boys & Girls Club	8	2000-2007	\$31,467
Big Sky Economic Development Authority	13	1994-2008	\$119,912
CASA	5	1997-2000	\$26,764
Community Day Care	2	1998-1999	\$11,000
Community Housing Resource Board <i>(includes FHIP funding)</i>	19	1992-2012	\$329,628
Consumer Credit Counseling	1	1999	\$1,761
Early Childhood Study	1	1996	\$10,750
Easter Seals	2	2008-2010	\$30,175
Family Service, Inc.	11	1992-2004	\$167,986
Family Tree Center	1	2000	\$3,250
Billings Food Bank	11	1996-2006	\$111,962
Forever Families	2	2007-2009	\$31,743
Friendship House	20	1996-2010	\$172,173
HRDC	16	1997-2008	\$135,118
In-Care Network	1	2000	\$2,000
Interfaith Hospitality Network <i>(does not include FHIP & housing funding)</i>	2	2005-2010	\$7,000
Kids School Program	3	2001-2003	\$19,334
Living Independently for Today & Tomorrow	13	1996-2010	\$145,269
Parents Let's Unite for Kids	5	2002-2006	\$12,167
Rebuilding Together	8	2004-2011	\$70,000
RiverStone Health – Medication Assistance Program	9	1999-2009	\$84,022
Sage Tower Community Network	1	2000	\$1,960
Scottish Rite Clinic	1	2008	\$5,000
Southgate Cop Shop	7	1999-2008	\$29,292
Southside Senior Center	1	2011	\$30,000
American Red Cross – Southside Smoke Detectors	1	1999	\$2,364
St. Vincent de Paul	1	2007	\$8,250
Task Force Enhancement	5	1999-2008	\$34,125
Temporary Teens	7	1999-2004	\$23,195
Tumbleweed	13	1996-2011	\$185,598
Vision Seekers After School Program	1	2001	\$9,000
Volunteers of America – Independence Hall	1	2009	\$30,000
Billings Board of Cooperative Housing	1	2000	\$4,438
Yellowstone AIDS Project <i>(does not include FHIP funding)</i>	1	1999	\$7,000
Yellowstone County Council on Aging	12	1996-2011	\$55,649
Young Families Early Head Start	15	1996-2009	\$249,674
YWCA <i>(does not include housing funding)</i>	13	1997-2009	\$158,575
Over 40 Organizations	268 Grants	17+ Years	\$2,735,061

VISTA: As funding dwindled to support non-profit organizations, the AmeriCorps Volunteers in Service to America (VISTA) program received additional allocations in funding to expand the program. From 2012 to 2015, the City received overlapping grants and more members. The number of VISTA members has stabilized over the past few years. The *Billings Metro VISTA Project* continues to be offered to support capacity-building activities as a resource to non-profit organizations working on poverty issues.



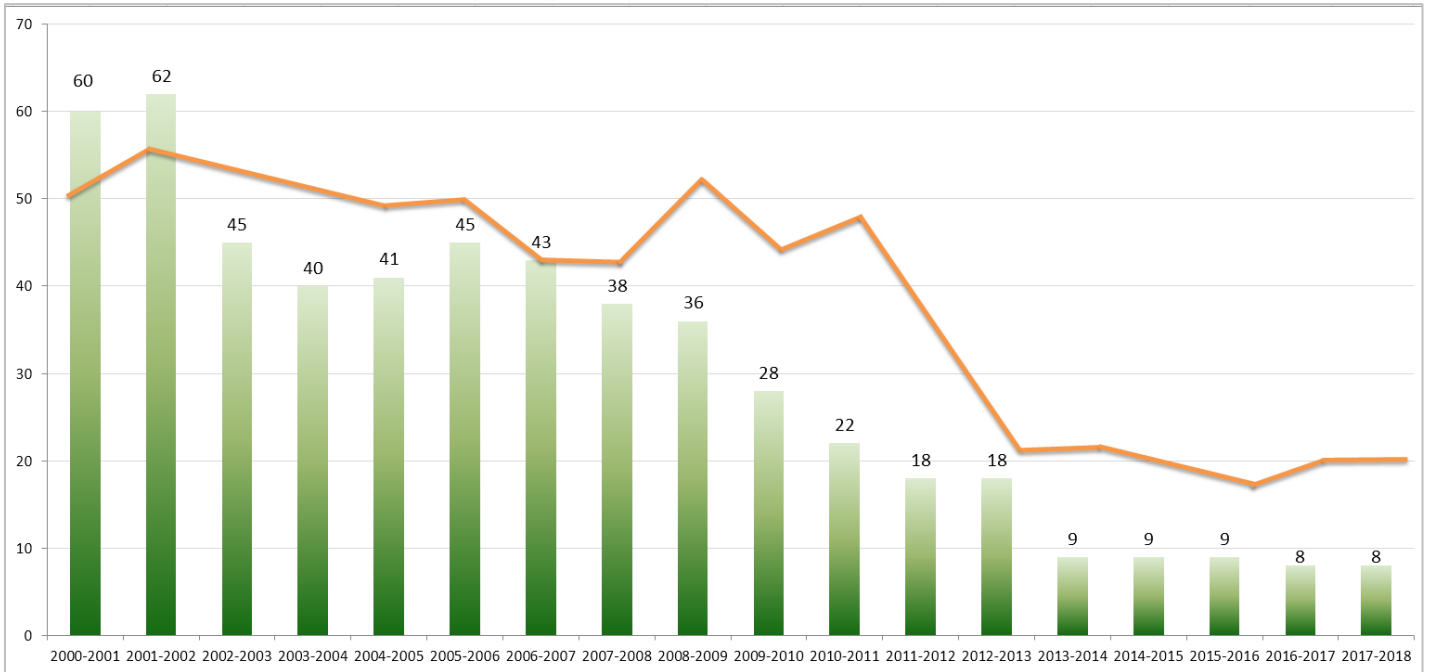
PUBLIC AND CITY COUNCIL PROGRAM PRIORITIES

Task Force Priorities: Task Force rankings from 2008-2016 favor home repair / buyer and affordable housing development programs. The following figures represent the rankings from all Task Forces combined. Calculation methodology changed in FY2016-2017 when the survey added an online, weighted calculation.



Priority-Based Budgeting: The Division’s process for priority-based budgeting began in 2008 when the City Council asked the Community Development Board to examine recommendation processes. When surveyed, *the majority of Council members favored funding fewer organizations with larger amounts*. Half of the Council members asked the Board to shift funding focus to housing programs. Organizations were then given minimum and maximum application amounts shortly thereafter and the number of funding applications declined.

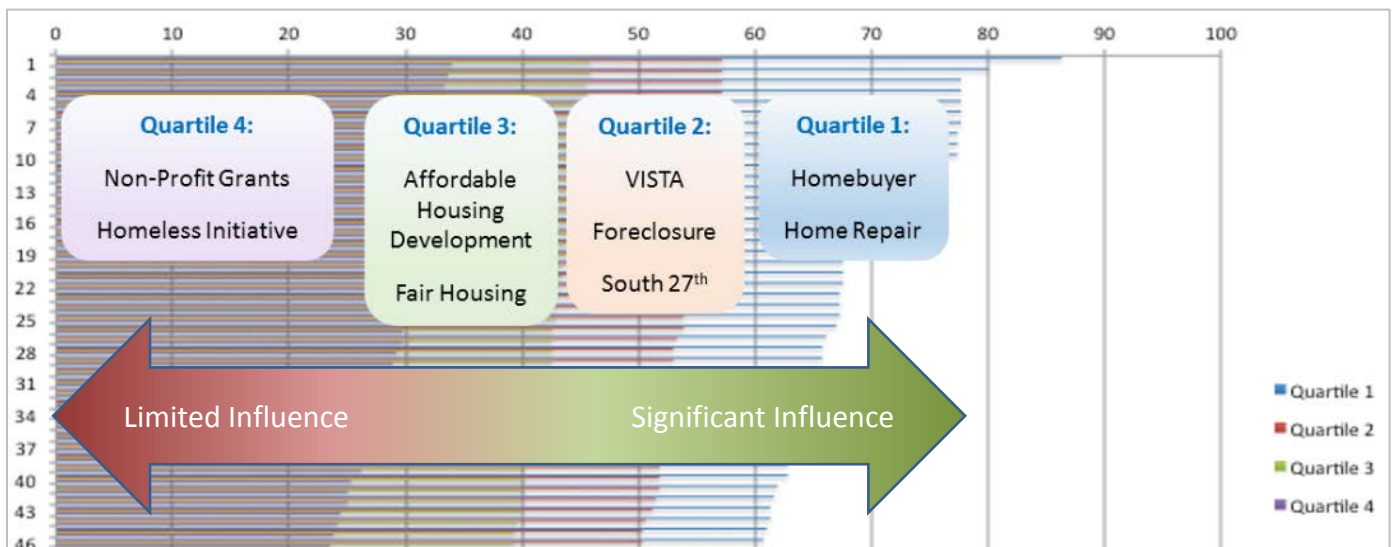
Total Number of Applications Considered & Funding History



Priority-Based Budgeting 2012: The City Council initiated an extensive process to rank programs based on how they influence the City’s ability to achieve established community results, such as:

- Sustainable Economic Development
- Comprehensive, Orderly Growth and Development
- Community Resource Preservation
- Involved, Engaged and United Community

The home repair / buyer programs were ranked as having *significant influence* on the City’s ability to achieve desired community results. However, grants to non-profit organizations and the homeless initiative were ranked as having limited influence.



Regular City Council Meeting

Meeting Date: 04/23/2018

TITLE: Public Hearing for Annexation Committee Limits of Annexation Map Recommendations

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: Yes

PROBLEM/ISSUE STATEMENT

The City Council adopted the current Limits of Annexation Map on May 22, 2017. The Annexation Policy requires the City to review and consider updates to the policy and map whenever the Capital Improvements Plan is revised. Council approved the 2019-2023 Capital Improvements Plan on March 26, 2018. The Council reviewed Limits of Annexation Map amendment requests at its Work Session on April 2. The Council is expected to conduct a public hearing and take formal action on the Annexation Committee map amendment recommendations at this meeting.

ALTERNATIVES ANALYZED

In making its recommendations to expand the City Annexation Petition Area (Red) and add to the Long Range Urban Planning Area (Orange) in 2018, staff considered the ability to serve areas outside the existing City limits with existing resources, effects on City residents, and programed improvements, including those contained in the Capital Improvement Plan (CIP). The Committee also strives not to favor one department's ability to provide service over another department's limitations.

In considering the Annexation Committee's recommendations, the Council will conduct a public hearing and may:

- Approve the Annexation Committee's recommendations to Amend the Limits of Annexation Map.
- Modify the Annexation Committee's recommendations.
- Take no action to amend the Limits of Annexation Map at this time.

FINANCIAL IMPACT

Annexation of property to the City of Billings increases the City's tax base. At the same time, the City bears the cost of additional service demands. The Annexation Policy and the Limits of Annexation Map are management tools to help City staff and the Council balance this cost versus benefit of adding property to the City and providing services to that property. The proposed Map amendments would have an impact on City services as additional property would be brought into the City Annexation Petition Area for possible immediate annexation to the City and provision of services. There is further discussion of these issues in the Background section of this memo.

Staff presented information in January on conducting a cost of service analysis to help in determining the cost-to-benefit ratio of allowing certain property proposed to be developed in

certain ways to be annexed into the City. The Council favored this concept and directed staff to return with more details on a scope for such an analysis. Staff will be providing this information back to Council later in 2018.

BACKGROUND

The City Council first adopted an Annexation Policy and accompanying Map 16 years ago on May 28, 2002. The original adoption of the Policy was driven by annexations in the early 2000s of areas like Rehberg Ranch and Briarwood that were placing significant service demands on City services and the Council realized it needed a formal process and criteria to make future annexation decisions. To provide guidance on Annexation Policy and Map amendments, an Annexation Committee was formed to advise the City Council. The Committee reviews map amendment requests from private property owners as well as City Departments, and also makes recommendations on updates to the Policy and Map brought to the Committee from City staff. The current adopted policy established two limits of annexation. The City Annexation Petition Area (Red) defines an area where annexation petitions may be supported in the short term. The Long Range Urban Planning Area (Orange) covers areas where City services may be extended but would require additional analysis and funding to support those services.

The City of Billings has annexed more than 4 square miles since 2004 (38.65 to 43 sq. mi.), when the Policy and Limits of Annexation Map were further refined to be similar to what they are today. The community's growth over this 14-year period has challenged the City's ability to balance serving new areas and maintaining a high level of service to present citizens. The Committee has been cautious in recommending any expansion of the annexation areas because expansion may add to the challenges of achieving that balance.

The Committee has maintained the premise that since the City in the past determined its ability to serve property already in the City Annexation Petition Area, the City's commitment to considering annexing property already in the Red Area should be maintained. This approach is something the Council may make further determinations on, as annexations are at the complete discretion of the City Council, but the Committee wants to ensure the Council understands its approach to both Limits of Annexation Map Amendments and Annexation Petition requests.

Limits of Annexation Map Amendment Requests

Staff received five requests from property owners and agents for map amendments. One request was to include property in the Orange Area (Long Range Urban Planning Area) of the Limits of Annexation Map. This is referred to as the Kurth Property Request.

The other four requests were to include property in the Red Area of the Limits of Annexation Map. These are referred to as the Dyk Property Request, Yellowstone Christian College Request, Morledge Property Request, and the Staley Property Request. All of the requests are described in detail below. The City did not have any changes to the Limits of Annexation Map regarding City owned property for this year.

Orange Area Request

Kurth Property Request – C/S 3532, Parcel 1, Parcel 2; W2SE Less C/S 3146 and C/S 3151; that part of the NENW described as Tract 1 of C/S 3653 and Tract 2 of C/S 3653; Section 5, Township 1 South, Range 25 East.

This request includes bringing 175 acres southwest of the Trails West Subdivision south of

Grand Avenue and west of 56th Street West into the Long Range Urban Planning Area (Orange Area). The request was made to begin planning for future annexation and development of residential and park/open space in the City. Properties included in the Long Range Urban Planning Area required further research and analysis by both the City and the property owner. The next formal step after being included in the Long Range Urban Planning Area would be to prepare an Urban Planning Study as per the City's Annexation Policy and request inclusion in the City Annexation Petition Area for future annexation consideration.

Property owner Brian Kurth in coordination with Sanderson Stewart presented the request for the map amendment to the Annexation Committee and provided information regarding concepts of how the property might develop in the City with residential densities of about 6 units per acre. Mr. Kurth stated that he ultimately envisions an area similar to the neighborhood around Rose Park where he grew up to be developed on his property.

Annexation Committee Review: The Annexation Committee discussed this map amendment request over the course of two of its meetings in January and February. The Committee ultimately supported bringing the property into the Long Range Urban Planning Area and its comments and discussion were as follows:

School District #2: There is space for a future elementary school on the property where Ben Steele Middle School is located, which could someday provide added school capacity in this area. However, Ben Steele is currently at its capacity for students in the current school year.

Parks: About 200 acres of park land is projected to be needed across the City, according to the City-Wide Parks Comprehensive Master Plan that was just completed. There is going to be a demand for park land in this area as the City continues to grow. The existing irrigation canal corridor and floodplain areas appear to provide an opportunity for open space or programmable space on the subject property. Mr. Kurth stated he has been approached by a baseball group and that sports tourism is gaining traction across the community and he sees potential on his property to help accommodate some of the park needs.

Planning: The City brought property directly to the north of the subject property into the Long Range Urban Planning Area in 2016 recognizing the proximity of the new school and already annexed property that is developing in the City is northeast of the subject property. Maintaining residential development densities of at least 6 units per acre would be more sustainable for the City's future development. Bringing this property into the Long Range Urban Planning Area provides for further analysis and coordination on future City development in this area.

Police: The Police Department did not have any concerns with adding this property to the Long Range Urban Planning Area for future consideration for annexation. A School Resource Officer is now located at Ben Steele Middle School and the Police Department patrols within the City limits just north and west of the subject property now, so there is already a police presence in the area.

Fire: The Fire Department stated that the subject property is in the Billings Urban Fire Service Area (BUFSA) and that Station #7 is in close proximity to the area, at 54th Street West and Grand Avenue. The Fire Department's recently completed Long Range Master Plan will be used to assess future service delivery at the time the subject property requests inclusion in the City Annexation Petition Area.

Public Works: Public Works staff is supportive of bringing the subject property into the Long

Range Urban Planning Area for further research and analysis. It may be sometime before water and sewer infrastructure is close enough for the property to be brought into the Red Area. Currently, water and sewer utilities are installed in a portion of 56th Street West and Grand Avenue north and west of the subject property, but further build out of the Trails West Subdivision, which is already in the City, will help inform future provision of water and sewer service in the area as well as transportation connections.

Transit: MET will not be able to serve the subject property for quite a long time based on its current routes and service area limitations, but Transit staff said they have no objection to the property being brought into the Long Range Urban Planning Area for further research and analysis.

Recommendation for Kurth Property Request

The Annexation Committee recommends that the City Council amend the Limits of Annexation Map to include the Kurth property in the Long Range Urban Planning Area.

Red Area Requests

Dyk Property Request – C/S 983, Parcel 14 of Amended Tract 2B and 13, Parcel 12 of Amended Tract 2A, Parcel 11 of Amended Tract 2A, Parcel 2C of Amended Tract 2, and Parcel 2G Corrected, Section 10 of Township 1 South, Range 25 East.

This request includes bringing about 67 acres at the northeast corner of the intersection of King Avenue West and 48th Street West into the City Annexation Petition Area (Red Area). The request was made to begin planning for annexation and development of residential and commercial uses in the City. Inclusion of the subject property within the City Annexation Petition Area would enable the property owner to petition to annex the property into the City and access City services at any time in the future.

The Dyk family, in coordination with developer Propriedad, LLC and Performance Engineering and Consulting, presented the request for the map amendment to the Annexation Committee and provided the required Urban Planning Study outlining the proposed development concepts for the property. The concepts include residential manufactured home, two-unit residential and potentially some single family residential development averaging 9 units per acre and commercial development closer to the King Avenue West and 48th Street West intersection and along the two arterials. Property to the east and south across King Avenue West is already in the City limits, so coordination for utilities and infrastructure could be planned for multiple developments if this area is able to begin its annexation preparations.

Annexation Committee Review: The Annexation Committee discussed this map amendment request over the course of two of its meetings in January. The Committee ultimately supported bringing the property into the City Annexation Petition Area and its comments and discussion were as follows:

School District #2: The subject property is southeast of property the School District owns for a future school site, however there are no short term plans to develop a school at that location. There would eventually be some school impact from the residential development on the subject property as the west end schools are mostly full at this time.

Parks: There is currently no community park to service this area. Parks has a concern of over burdening of park facilities. Performance Engineering's Scott Aspenleider, an agent for the applicants, stated that the future development planned to provide trail and pedestrian

infrastructure and connect into the trail and pedestrian facilities in place or planned in the Lenhardt Square development to the east and the King Avenue West corridor. Park staff stated that trails are great but programmable space is still necessary, and if higher density development occurs in the area, a minimum of 3 acres of parkland would be needed to adequately serve the neighborhood.

Planning: This area is developing rapidly east of 48th Street West and on both sides of King Avenue West from 48th Street West back to Shiloh Road. Property to the east and south is already within the City limits. It makes sense to bring this property into the City Annexation Petition Area for future annexation and development in the City.

Police: The Police Department stated it already is providing services along the King Avenue West Corridor just east of the subject property as well as to the south and the property is adjacent to patrol beat. Currently, the Police Department has an agreement with the Sheriff's Office to go out into the County in this area for stolen vehicle cases, but not for "service" calls. As the City continues to grow, additional resources and officers will be needed to meet service demands.

Fire: The Fire Department stated that the subject property is in the Billings Urban Fire Service Area (BUFSA) and that Station #7 at 54th Street West and Grand Avenue is the closest to the area. The property also is north of property already within the City limits along King Avenue West and that water utilities will be able to be extended to the property to meet water supply requirements.

Public Works: Public Works staff is supportive of the request with the understanding that any extension of services would be at the cost of the developer. A City project this year will extend utilities as far as 46th Street West as part of coordinating expansion with other property owners along King Avenue West. The developer is aware that water and sewer will be required to go to the furthest edge of the property at the intersection of 48th Street West and King Avenue West. Performance Engineering and Consulting has been working with the City Engineering Division already to determine service requirements. Both the water and sewer plants have capacity to serve this area.

Transit: MET will likely not be able to serve the subject property within the next 5 years. The intersection of Shiloh Road and King Avenue West is the furthest point west that MET transit provides service, about 0.8 miles east of the subject property.

Recommendation for Dyk Request

The Annexation Committee recommends that the City Council amend the Limits of Annexation Map to include the Dyk property in the Red Area at this time.

Yellowstone Christian College Request – C/S 640 Amended and C/S 3329, Tract 2.

This request includes bringing about 12 acres at the northeast corner of the intersection of Shiloh Road and Hesper Road into the City Annexation Petition Area (Red Area). The request was made to begin planning for annexation and expansion of the Yellowstone Christian College on the property. The College currently has its campus on the property and would like to access City services in the future to serve its existing campus and to expand its campus on the property. Inclusion of the subject property within the City Annexation Petition Area would enable the property owner to petition to annex the property into the City and access City services at any time in the future.

The property owners, the Yellowstone Christian College, and its agent, WWC Engineering, presented the request for the map amendment to the Annexation Committee and provided the required Urban Planning Study outlining the proposed college development concepts for the property. The College is looking at long term expansion plans, that could include added student dormitories, class room and activity spaces, and an increase in total student population from about 60 to 120 students over time.

Annexation Committee Review: The Annexation Committee discussed this map amendment request over the course of two of its meetings in January. The Committee ultimately supported bringing the property into the City Annexation Petition Area and its comments and discussion were as follows:

School District #2: No comments on this request.

Parks: No comments on this request

Planning: This area is surrounded by property already within the City limits or property already within the City Annexation Petition Area. While there are some infrastructure challenges to getting water and sewer utilities to the property in the near term, it makes sense to bring this property into the City Annexation Petition Area for future annexation and development in the City.

Police: The Police Department stated it already is providing services along Shiloh Road and east along Hesper Road and had no specific concerns with the subject property. As the City continues to grow, additional resources and officers will be needed to meet service demands.

Fire: The Fire Department stated that a walk through inspection on the existing College buildings and facilities would be required upon annexation to ensure that all building codes would be met. Staff indicated that the College has already requested this inspection prior to annexation to be aware and to be able to address any code deficiencies in a timely manner. Staff also indicated that fire hydrants would be required within 400' feet of all structures and the hydrants would need to be installed prior to annexation since the College has existing structures in use on the property.

Public Works: Public Works staff has been anticipating this request for several years and is supportive of the request with the understanding that any extension of services would be at the cost of the developer. There is a water main on Shiloh Road that will need an extension of 2,200 feet. An 8" dry sewer line also fronts the property and would need to be extended by the College 1,250 feet. These extensions would be critical to when the property could be annexed. Reimbursement agreements for water and sewer infrastructure are available to this development and would be encouraged so that the College might recover some of its costs from other properties that would use the utilities.

Transit: MET already goes by the property on Shiloh Road and can pick up riders.

Recommendation for Yellowstone Christian College Request

The Annexation Committee recommends that the City Council amend the Limits of Annexation Map to include the Yellowstone Christian College property in the Red Area at this time.

Morledge Property Request – Property is described as Section 19, Township 1 North, Range 26 East, All Less a Fraction in the W2W2SW4, Less Tract A, C/S 663, and Less C/S 1260 and the S30, Township 1 North, Range 26 East, Fraction of the N2NE4

This request includes bringing a total of about 578 acres into the City Annexation Petition Area (Red Area). The property borders the Billings Logan International Airport property on the north and straddles Alkali Creek Road, and is a little south of the intersection of Skyway Drive and Alkali Creek Road in the Billings Heights. The owners of the property would like to have the land included in the City Annexation Petition Area to plan for future annexation and development of the property for residential and commercial uses. The owners expect to begin development within the next 5 years, according to information in the Urban Planning Study prepared for the request.

The property owners, Dr. Morledge Family, LLC, in coordination with Sanderson Stewart provided the map amendment request and the Urban Planning Study for the subject property. The overall plan for the property is to develop with residential and commercial uses on portions of the land. The residential development would primarily be on the south side of Alkali Creek Road and the commercial would be primarily on the north side of Alkali Creek Road. While the property is 578 acres, about 320 acres is developable given the significant drainages, steep slopes and the flood plain along Alkali Creek in the area. The Morledges have provided a letter to the City Council in regard to their request and it is attached to this memo for City Council reference and review.

Annexation Committee Review: The Annexation Committee discussed this map amendment request over the course of two of its meetings in February and March. The Committee ultimately decided to not recommend bringing the property into the City Annexation Petition Area at this time, and its comments and discussion were as follows:

School District #2: No specific comments on this request.

Parks: In the actual development of the area, a Neighborhood Park and options for a Community Park would be important to consider as well as trail development. The topography of the proposed parkland areas provided with the Urban Planning Study is questionable as far as useable/programmable space is concerned. The areas look more like open space and natural areas with some trails, but recreation needs may not be met under current concept. The applicant's agent, Mac Fogelsong of Sanderson Stewart, agreed that much of the area would not be programmable space for soccer fields or other uses, but some of the acreage close to Alkali Creek might have some potential for specific recreation uses.

Planning: This area has the City limits to the south where the Airport is located and City limits along the northeast portion of the property on the north side of Alkali Creek Road. Property to the southeast along Alkali Creek Road remains in the County. One property on the north side of Alkali Creek Road just deannexed as the property could not be developed as platted given floodplain and infrastructure limitations and the owner is looking to regroup and determine a new development plan for the land. There are major utility infrastructure challenges to serve this property, with water and sewer utility extensions of 3,300-3,600 feet needed to reach the subject property. These utilities would currently be passing along Alkali Creek Road though property that is outside the City. The proposed average density of residential development around 4 units per acre is at the bottom end of the City Annexation Policy's stated range of 4-7 dwelling units per acre. This density is much less efficient for City service delivery over the long term. Approaching this property with a conservation development approach – having large areas undeveloped and higher density in the areas that may be developed – would make the future

sustainability of the area for City service delivery much greater. While Planning staff finds it makes sense to bring this property into the City Annexation Petition Area for future annexation and development in the City at some time in the future, staff is concerned that the intent of the annexation map is to identify properties that are able to be annexed quickly and immediately if they are brought into the City Annexation Petition Area. This property is not currently in this category.

Police: The Police Department stated that Alkali Creek Road provides access to the area. The Billings Heights is currently separated from the rest of town from a patrol standpoint. Most of the time, two patrol officers are dedicated to the Heights area. Sometime, there may be 4 officers in the area. The Police Department will eventually need more staff and resources to meet service demands in the Heights area if expansion continues.

Fire: Chief Bill Rash stated that he has a concern about the inability to serve the area based on existing station location and existing response times. He said that the new Fire Department Long Range Master Plan identified in its facilities report that a second station location in the Heights is the number one priority. He stated that response time is a tremendous concern for the Heights area. Since an additional Fire Station in the Heights is not yet planned and funded for construction, the Department has great concern that enabling this property to annex into the City will increase the burden of an already underserved area. The Fire Department does not support inclusion of this property at this time.

Public Works: The property is a large parcel and if annexation were to occur, long utility extensions would be needed. The Urban Planning Study states water and sewer extensions would be approximately 3,300 to 3,600 linear feet. This property has been in the Long Range Urban Planning Area for quite some time and it is adjacent to city limits. The construction of the inner belt loop in the next 5-10 years is favorable and could have synergy for commercial development activities. Public Works is supportive of including the property in the City Annexation Petition Area, but states again that the developer would be responsible for the utility extensions at this time and they are significant.

Transit: MET service is limited on Alkali Creek Road and turns at Senators Boulevard, south of the subject property. MET would like to readjust its service area boundary with time, however adding transit service now in one area requires a cut to services elsewhere. In regards to the property being adjacent to the Billings Logan International Airport, staff has concern with pieces of the property that are closest to the Airport and even considered in the noise restriction areas. Development can occur in some areas with proper insulation, however, residential development may not be a compatible land use so near an active airport operation. Staff also is concerned about how storm water would be addressed along the boundary with the airport to avoid conflicts between the airport and residential development. Given the location of some of the property in the Airport Influence Area and the storm water concerns, it is likely that any development would need to address construction requirements to address noise mitigation and storm drainage facilities. MET Transit and the Airport staff are not against all future development in this area, but have significant concerns about how development might occur and the impacts it might have on Airport operations.

Recommendation for Morledge Property Request

The Annexation Committee recommends that the City Council not amend the Limits of Annexation Map at this time to include the Morledge property in the Red area.

Staley Property Request – C/S 1880, Parcels 1B2 and 2B, 3rd Amended, and C/S 1880, Tract

1A, Amended, Section 9, Township 1 South, Range 25 East.

This request includes bringing a total of about 39 acres into the City Annexation Petition Area (Red Area). The property is at the southwest corner of the intersection of Central Avenue and 48th Street West. It is surrounded by property that is in the Long Range Urban Planning Area. It is about half a mile from the City Annexation Petition Area to the east and more than half a mile to the City Limits to the east as well. The owners of the property would like to have the land included in the City Annexation Petition Area to plan for future annexation and development of the property for residential and commercial uses. Although the property is some distance from the City limits and City services, the owners expect to begin development within the next 5 years, according to information in the Urban Planning Study prepared for the request.

The property owners, The Staley Family Irrevocable Land Trust, and Susan and Harry Staley, in coordination with Sanderson Stewart provided the map amendment request and the Urban Planning Study for the subject property. The overall plan for the property is to develop with residential and commercial uses on portions of the land. The commercial development would be primarily at the northeast portion of the property near the intersection of 48th Street West and Central Avenue. The residential development would surround the commercial property on the remainder of the property.

Annexation Committee Review: The Annexation Committee discussed this map amendment request over the course of two of its meetings in January and February. The Committee ultimately concluded that it would not recommend the City Council amend the Limits of Annexation Map at this time to include the Staley property in the City Annexation Petition Area, and its comments and discussion were as follows:

School District #2: The subject property is north of property the School District owns on 48th Street West for a future school site, however there are no short term plans to develop a school at that location. There would eventually be school impact if this property were annexed from the residential development, and the west end schools are mostly full at this time.

Parks: There are currently no community parks identified in this specific area of the West End. The City has not built a community park in many years and the existing City parks are feeling the impacts of it with very intense usage across the City and facilities that are needing updates and replacement. While this property is proposing 124 residential units, which is not a major impact in itself, additional park facilities are needed for the current City residents/users and for property that is already in the City Annexation Petition Area.

Planning: This subject property is surrounded by land in the Long Range Planning Area. The City Annexation Petition Area and the City Limits are at least half a mile to the east and north. The challenges of bringing this property into the Red Area now are similar to those of the Morledge property. Staff is concerned that the intent of the annexation map is to identify properties that are able to be annexed immediately or in the very short term if they are brought into the City Annexation Petition Area. This property is not currently in this category. There are significant distances to where current City services are available and new County development to the east of the subject property along Central Avenue creates a barrier to construction and maintenance of City infrastructure along the Central Avenue Corridor in this area.

Police: The property is nowhere close to existing Police Department beats. Police will have challenges with staffing and resources if this property were annexed into the City so far from the current City limits and service areas. There are three officers on the West End on any given day

between the three beats. There is office space at Fire Station #7 for a Police Satellite Office, but it is not occupied by Police staff on a regular basis.

Fire: The Fire Department stated that water supply is critical to any new area that it might serve and so distance to services and the challenges of providing those services is key to having the water infrastructure in place to serve the new annexed area. The property is already within the BUFSA area and is currently served under that service in the County, so the Billings Fire Department would continue to be the fire protection provider for the property.

Public Works: Staff is concerned that the area is not contiguous to the City Annexation Petition Area or the City limits. Staff had further follow up on this property with additional Public Works staff after the initial review and the Departments position has not changed that is not supportive of this request. There are infrastructure challenges along Central Avenue, water and sewer services are at least 900 feet away. A difficulty in the past is that subdivisions in the County are never up to City standards when annexation is needed, so then annexation of those subdivisions is cost prohibitive and discourages annexation. The existing subdivisions in the County along Central Avenue are relatively new and do not meet City standards.

Transit: This property is way out of the MET service area, far from the current City limits, and transit will not be in the area for a long time.

Recommendation for the Staley Request

The Annexation Committee recommends that the City Council not amend the Limits of Annexation Map at this time to include the Staley property in the Red area.

STAKEHOLDERS

Public comment will be taken at the April 23 City Council public hearing concerning the Annexation Committee's recommended Limits of Annexation Map amendments. The public hearing has been advertised as required in the Yellowstone County News. Agents for the five property owners and some of the property owners themselves provided informal comments during the Committee meetings and were informed of this meeting and provided the staff memo.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

In making its recommendations, the Annexation Committee takes into consideration many plans and policies, including, but not limited to, the most current Water and Wastewater Master Plan, Storm Water Master Plan, 2016 City of Billings Growth Policy, 2014 Billings Urban Area Transportation Plan, the Billings Comprehensive Parks and Recreation Master Plan 2017, neighborhood or area plans as applicable, and the most current CIP. The Annexation Policy and Map recommendations are consistent with adopted policies and plans, and attempt not to favor one department's ability to provide service over another department's limitation.

SUMMARY

RECOMMENDATION

The Annexation Committee recommends that the City Council conduct a public hearing and amend the Limits of Annexation Map to include the Dyk Property and Yellowstone Christian College Property in the City Annexation Petition Area (Red) and the Kurth Property in the Long Range Urban Planning Area.

APPROVED BY CITY ADMINISTRATOR

Attachments

Resolution for Limits of Annexation Map Amendments

RESOLUTION NO 18 - _____

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO ARTICLE II. CITY BOUNDARIES, MCA 7-1-114(1)(a); ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ. AND SETTING FORTH AN ANNEXATION POLICY;

WHEREAS, the City Council adopted the City of Billings Annexation Policy by Resolution on November 22, 2004, further amended it by Resolution on April 10, 2006, May 23, 2011, May 23, 2016, and on May 8, 2017, and it is amended from time to time.

WHEREAS, the Limits of Annexation Map was last amended by Resolution on May 22, 2017; and

WHEREAS, the Policy states that the Map shall be reviewed and or revised whenever the Capital Improvements Plan is revised; and

WHEREAS, the City Council approved the FY 2019-2023 Capital Improvements Plan on March 26, 2018.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That the City Council now makes and adopts the following amendments to the Limits of Annexation Map:

**LIMITS OF ANNEXATION MAP
Revised, April 23, 2018
Shown as Exhibit A Attached**

APPROVED AND PASSED by the City Council of the City of Billings, this 23rd day of April, 2018.

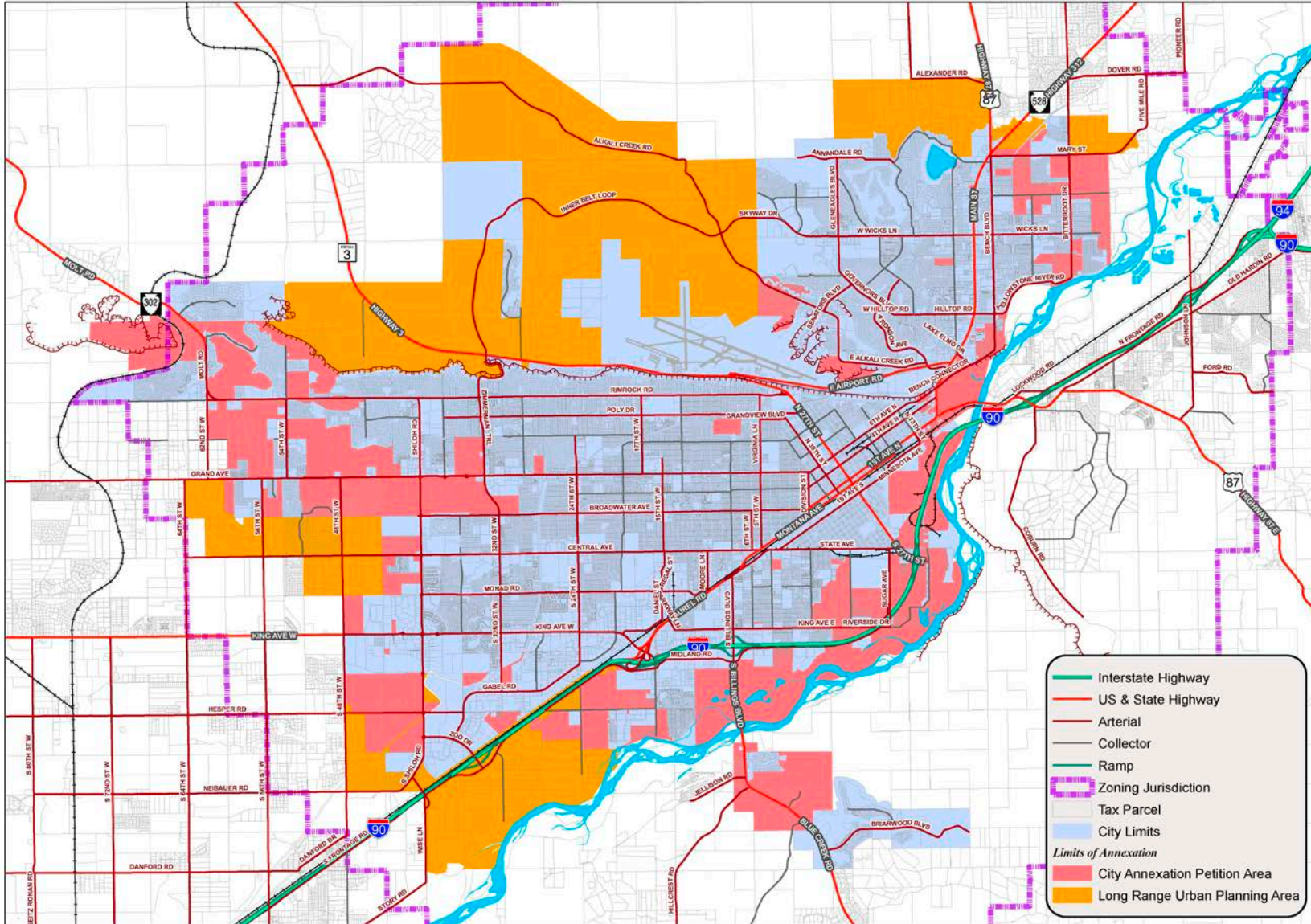
THE CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise Bohlman City Clerk

Exhibit A



Limits of Annexation Map
Revised April 23, 2018

Map Document: I:\paw-w\2017GIS_Files\Mapping_Projects\Planning\2016RFL_0087_LimitofAnnexation_rev2_2016RFL_0087_LimitsOfAnnexation_23APR18 (11x17).indd 49/2018

Scale: 0 0.5 1 2 3 Miles

Regular City Council Meeting

Meeting Date: 04/23/2018
TITLE: Zone Change 965- 109 S. 35th St.
PRESENTED BY: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

PROBLEM/ISSUE STATEMENT

City Zone Change 965 is a request to change zoning from Controlled Industrial (CI) to Residential 6,000 (R-60) on property located at 109 S. 35th Street and described as Lots 16 and 17, Block 7 of Yegen Second Addition. A pre-application neighborhood meeting was held on February 13, 2018, at the offices of High Plains Architects at 2720 Minnesota Avenue. The Zoning Commission conducted a public hearing on April 4, 2018, and is forwarding a recommendation of approval and adoption of the findings of the 10 criteria on a 3-0 vote.

Zone Change applications are reviewed using statutory criteria referenced in the Alternatives Analyzed section of this memo. Zone Changes require approval through an ordinance. Zone Changes allow the change from one type of zoning district to another type of zoning – e.g. residential single family to residential multi-family or residential to commercial. A Zone Change cannot have conditions of approval and if approved, permits the owner to use the land for any purpose allowed within the zoning district.

ALTERNATIVES ANALYZED

City Council may:

- Approve the zone change and adopt the findings of the 10 criteria as recommended by the Zoning Commission;
- Deny the zone change and adopt different findings of the 10 criteria;
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

The Planning Division reviewed the application and recommended approval to the Zoning Commission based on the proposed findings of the 10 criteria per BMCC, 27-1502. The Zoning Commission concurred with the recommendation.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Home Base: A mix of housing types that meet the needs of a diverse population is important; Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

The proposed zoning would allow the existing residential use to conform to the zoning. The current zoning does not allow residential uses without a special review. Financing improvements or selling the property is unnecessarily complicated by the current zoning. The property provides a desirable and needed housing choice in the area dominated by single family housing. The

neighborhood is stable, safe and conveniently located near services.

- **Strong Neighborhoods:** Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels; Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction; Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning will allow the current residential use to remain and the owner to reconstruct the home on the property. The residential use will fit into the neighborhood. The property is within walking distance of City services.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. The property has an existing single family dwelling; the current zoning of the parcel does not provide certainty for future reconstruction of the residential structure.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will not have any effect on the existing transportation system.

Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The new zoning will have no effect on transportation systems.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to continue at this location and the use is compatible with the existing neighborhood.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning south of the subject property and is an appropriate zone with the adjacent residential neighborhood surrounding it.

9. Will the new zoning conserve the value of buildings?

The building on the property is currently in disrepair. Approval of the zone change will conserve the value of the property and will make the current development conforming to zoning and allow

reconstruction of the existing dwelling. The value of existing buildings and the parcel will be improved and conserved by the proposed zoning

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the existing dwelling to be re-constructed if necessary in the future. This is the most appropriate use of the land at this location.

FINANCIAL IMPACT

If the proposed zoning is approved, the applicant may proceed with the improvements to the existing residences. The new zoning will stabilize the future marketability of the property and will stabilize the tax base for this property.

BACKGROUND

This is an application to change Controlled industrial (CI) to Residential-6000 (R-60) zoning. The property to the north and east is CI and has developed as single-family homes with more commercial development to the north of 1st Avenue South. The property to the south is zoned primarily R-60 and is low density residential. The property is in a subdivision that began building in the 1920's and was in existence when zoning was implemented in 1972.

The current zoning of CI is intended to allow a variety of commercial and industrial uses. CI zoned property can be used for residential purposes with a Special Review approval, however this will still limit the ability to expand or rebuild a larger residence. The property has two residential dwelling units on it that were constructed in 1920. The applicant intends to continue the residential use and to improve and update the existing structures.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on April 4, 2018, and received the staff recommendation and testimony from the applicants agent, Emarnie Skelton, High Plains Architects. Emarnie stated the applicant had approached them to do some improvements on the property, and after researching for the project it was discovered the residential use was non-conforming to the current Controlled Industrial zoning. There was no other testimony or discussion.

Commissioner Ulvestad moved to recommend approval and adoption of the findings of the 10 criteria. The motion was seconded by Commissioner Boyett. The motion was approved by a unanimous vote.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Consistency with Adopted Policies or Plans is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 criteria for Zone Change 965 on a 3-0 vote.

APPROVED BY CITY ADMINISTRATOR

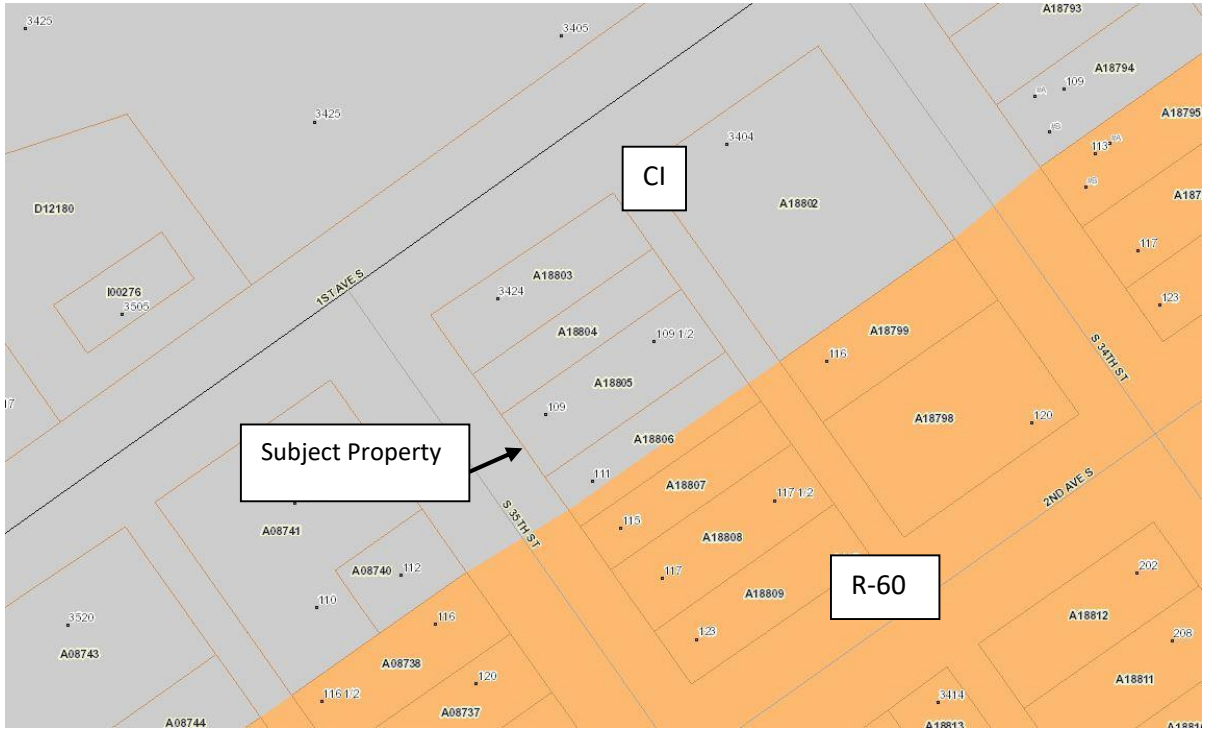
Attachments

Zoning Map & Site Photos

Application, Applicant letter & Pre App. Notes

Proposed Findings of the review criteria

ATTACHMENTS



Zoning Map



Aerial Photo

Site Photos



Subject property



Looking Northeast

Site Photos



Looking Southeast



Looking Southwest



Looking South



Alley looking Southwest

Application

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 965 - Project # PZ-18-00043

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: CI (Controlled Industrial)

Proposed Zoning: R-60 (Residential 6,000)

TAX ID# A18805 CITY ELECTION WARD # 1

Legal Description of Property: Yegen Second ADD, S03, T01 S, R26 E, Block 7, lot 16-17

Address or General Location (If unknown, contact City Engineering): 109 S. 35th St.

Size of Parcel (Area & Dimensions): 7,000 SF, 140' x 50'

Present Land-Use: residential

Proposed Land-Use: residential (no change in the way the property will be used)

Covenants or Deed Restrictions on Property: Yes _____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Dave Healow

(Recorded Owner)
2508 Irving Pl, Billings, MT 59102
(Address)
(406) 855-1799 dhealow@bresnan.net
(Phone Number) (email)

Agent(s): Emarie Skelton; High Plains Architects

(Name)
2720 Minnesota Ave, Billings, MT 59101
(Address)
(406) 384-0144 eskelton@highplainsarchitects.com
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: David Healow Date: 022118
(Recorded Owner)



Applicant Letter to Board



Zone Change Application for 109 s. 35th St

Legal Description of the tract proposed to be Re-Zoned:

Yegen Second Add, S03, T01 S, R26 E, Block 7, Lot 16-17

1. A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The Billings growth policy emphasizes responsible growth within city limits, with a diversity of residential densities. Our proposed zone change just adjusts the zoning applied to the lot to align with the activity already occurring there.

In addition, the growth policy, for numerous reasons, references the need for more, smaller, lower-cost residential units, which this property is already providing. The zoning regulations are meant to allow for a mixture of housing types providing housing options for diverse types of people. Again, the lot is currently providing a residential density that is higher than single-family, and fits within the fabric of the neighborhood.

B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The property is currently zoned CI, or Controlled Industrial. The controlled industrial zone is intended to accommodate a variety of business, warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently service the business and industrial centers of the city and county.

This definition does not apply to the *actual* current use of the site. The property has 2 residential dwelling units on it, with the original structure being built in 1920. The zoning applied to the neighborhood makes sense in regards to location and arterial access, however, the property is not being used that way.

We would like to propose that the site be zoned R-60, which is consistent with the other lots on the block to the south. R-60; Residential 6,000 is a zone intended to provide for medium density residential dwellings on lots served by public water and sewer services, with provisions for duplexes.

It is our opinion that this definition matches more closely the way the lot is currently being used, and again, matches the residential zones on the rest of the block.

Pre-Application Minutes

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** CI (Controlled Industrial)
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: 7,000 square-foot (140'x50') lot with residences on it to be changed to R-60 (Residential 6,000). Entire lot to be included
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Yegen Second ADD, S03, T01 S, R23 E, Block 7, Lot 16-17
5. **Neighborhood Task Force Area** (Yes) // No . If Yes, Name of Task Force and mailing address of Chairperson: Southside Task Force, Marguerite Jodry, 414 S. 33rd St. Billings, MT 59101
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
 - 1) The pre-application neighborhood meeting was held on the 13th day of February, 2018.
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Dave Healow Telephone: (406) 855-1799

Address: 2508 Irving Pl. Email: dhealow@bresnan.net
Billings, MT 59102 David Healow

Agent (s): Emarie Skelton (High Plains Architects) Telephone: (406) 384-0144

Address: 2720 Minnesota Ave. Email: eskelton@highplainsarchitects.com
Billings, MT 59101 Emarie Skelton



MEETING MINUTES

PROJECT: 109 S 35th St Zone Change

MEETING DATE: February 13, 2018, 5:30 pm

MEETING LOCATION: 2720 Minnesota Ave, Billings

MEETING SUBJECT: Zone Change Pre-App meeting

In attendance:

Emarie Skelton – High Plains Architects

1. Emarie Skelton of High Plains Architects prepared the attached documents to review with any meeting attendants and was present for the scheduled meeting. There were no attendants. The meeting was adjourned at 6:00 p.m.

Zone Change #965 – 109 S 35th Street

Prior to any recommendation to the City Council, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

- Home Base: A mix of housing types that meet the needs of a diverse population is important; Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe;

The proposed zoning would allow the existing residential use to be conforming to the zoning. The current zoning does not allow residential uses without a special review. Financing improvements or sale of the property is unnecessarily complicated by the current zoning. The property provides a desirable and needed housing choice in the area dominated by single family housing. The neighborhood is stable, safe and conveniently located near services.

- Strong Neighborhoods: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels; Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction; Neighborhoods that are safe and attractive and provide essential services are much desired.

The proposed zoning will allow the current residential use to remain and the owner to reconstruct the home on the property. The residential use will fit into the neighborhood. The property is within walking distance of City services.

2. *Is the new zoning designed to secure from fire and other dangers?*

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. *Whether the new zoning will promote public health, public safety and general welfare?*

Public health and public safety will be promoted by the proposed zoning. The property has an existing single family dwelling, the current zoning of the parcel does not provide certainty for future reconstruction of the residential structure.

4. *Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?*

- Transportation: The proposed zoning will not have any effect on the existing transportation system.
- Water and Sewer: The City provides water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.
- Schools and Parks: Schools and parks should not be affected by the proposed zoning.
- Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The new zoning will have no effect on transportation systems.

7. *Will the new zoning promote compatible urban growth?*

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to continue at this location and the use is compatible with the existing neighborhood.

8. *Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?*

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning is identical to the zoning south of the subject property and is an appropriate zone with the adjacent residential neighborhood surrounding it.

9. *Will the new zoning conserve the value of buildings?*

The building on the property is currently in disrepair. Approval of the zone change will conserve the value of the property and will make the current development conforming to zoning and allow reconstruction of the existing dwelling. The value of existing buildings and the parcel will be improved and conserved by the proposed zoning

10. *Will the new zoning encourage the most appropriate use of land throughout the City of Billings?*

The proposed zoning will allow the existing dwelling to be re-constructed if necessary in the future. This is the most appropriate use of the land at this location

Regular City Council Meeting

Meeting Date: 04/23/2018
TITLE: Special Review 963 - Public Hearing
PRESENTED BY: Monica Plecker
Department: Planning & Community Services
Presentation: Yes

PROBLEM/ISSUE STATEMENT

This is a special review request to allow the construction of more than 4 attached dwelling units in the PD-MF-4 zone on C/S 2063, Parcel 2A in the Lenhardt Square Planned Development, a 19.13 acre parcel of land. The special review is required by Article IV.G of the PD zoning district. The proposed development will contain five (5) 5-unit buildings and two (2) 86-unit buildings. The total proposed number of dwelling units is 237 on the 19.13 acres.

Special Review applications are reviewed using City Code criteria referenced in the Alternatives Analyzed section of this memo. Special Reviews do not require an ordinance for approval, are not zone changes on property; rather, are tied to specific uses that are allowed in a given zoning district but are subject to a review by the City prior to the use being allowed. Special Reviews, unlike zone changes, may be conditioned to mitigate possible impacts from the use on the subject property or surrounding properties.

ALTERNATIVES ANALYZED

City Council may:

- Approve the request;
- Conditionally approve the request;
- Deny the request;
- Allow the applicant to withdraw the request; or
- Delay action on the request for up to 30 days.

APPLICATION DATA

OWNER: Lenhardt Farm, LLC, Lenhardt Enterprises, LLC, Lenhardt Property, LP
AGENT: Sanderson Stewart
LEGAL DESCRIPTION: COS 2063, Parcel 2A
ADDRESS: West of S 44th St West and north of Georgina Drive
CURRENT ZONING: Planned Development MF-4
EXISTING LAND USE: Vacant/Agricultural
PROPOSED USE: Residential Multi-Family
SIZE OF PARCEL: 19.13 acres

The Planning Division reviewed the application and recommended conditional approval to the City Zoning Commission. The City Zoning Commission concurred with this recommendation based on the findings of the 3 review criteria for five, 5-unit buildings and two 86-unit buildings. Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria per BMCC 27-1503: 1) The

application complies with all parts of the Unified Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Unified Zoning Regulations and the 2016 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criterion because the Planned Development adopted by the City Council has designated all multi-family units in excess of four dwellings as an allowable use so long as they go through the special review process.

The application meets second criterion because it is consistent with some of the objectives of the 2016 Growth Policy:

Essential Investments:

- Infill development and development near existing City infrastructure may be the most cost effective.

The proposed special review will promote development of a residential parcel in a residential neighborhood and has easy access to City services and infrastructure. This will provide an additional housing choices to residents within the neighborhood and throughout the west end.

- Strong Neighborhoods: Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. Implementation of the Infill Policy is important to encourage development of underutilized properties.

The proposed development will provide housing choices for residents of Billings and allow for better use of the property.

- Home Base: A mix of housing types that meet the needs of a diverse population is important.

The proposed special review will support a new housing option in this established neighborhood.

The application also meets the third criterion; the special review is compatible with surrounding land uses. The property is annexed and located within an already approved PD which contemplates a variety of housing choice including multi-family. The adjacent parcels to the south and east are currently developing as multifamily housing.

The Planned Development requires that additional factors be considered:

1. The proposed use is consistent with the terms, intent, and objectives of this Agreement.
2. The proposed use is compatible with surrounding uses.
3. The proposed use is not detrimental to other property in Lenhardt Square, whether it is currently developed or not.
4. The proposed use complies with other provisions of law and ordinances of the City of Billings.
5. Reviewer has given his written consent to the special use.
6. The proposed use will not attract large volumes of vehicular traffic or create traffic congestion that cannot be properly managed and regulated with traffic control equipment.
7. The proposed use is of similar architectural scale to existing development in the neighborhood.
8. Minimum visual and functional conflict will be created between the proposed use and nearby uses.
9. Anticipated noise and congestion created by the proposed use will be comparable to the levels created by other uses permitted on that unit.

The applicants agent has prepared a narrative describing how these factors are met. The narrative is included as an attachment to this report.

FINANCIAL IMPACT

If the special review is approved, the property will be developed and contribute to the City's tax base. If the special review is not approved, the property may remain un-developed in the near future

BACKGROUND

This is a special review request to construct five, 5-plexes and two 86-unit apartment buildings on Parcel 2A of C/S 2063 in the Lenhardt Square Planned Development. This site is located north of Georgina Drive and west of Monad Road. The property is currently farmed. In 2008, the property was zoned to a Planned Development and annexed into the City. Adjacent properties to the south and east are also parcels within the Planned Development and identified as future multi-family housing which includes condominiums, townhomes and multifamily apartments. Apartments have already been constructed east and west of South 44th Street West on the parcel south of the subject property. The property to the north and west is presently farmed and zoned Agricultural Open-Space and remains outside of city limits.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on April 3, 2018, and received the staff recommendation.

Commissioner Mariska stated developments like this cause concern for traffic flow. He stated it is easy to move east and west, but not north and south in this area. Commissioner Boyett questioned whether a traffic study would be required. Zoning Coordinator Nicole Cromwell explained the Engineering Division will require a traffic study, but that process does not precede the special review request.

Gary Owen with Sanderson Stewart presented on behalf of the applicant. He stated the request would allow for 237 units in total. He mentioned the density with 237 units is higher than identified in the Planned Development Agreement for this parcel, but the overall development would not exceed the density limit. He believes this development is in accordance with the City of Billings Growth Policy and is a cost effective use of infrastructure. Bill Hanser, who is associated with the project, stood to speak regarding density. He stated the shift in density for this parcel allows parks, open space and trail connectivity. Darcey Frewin spoke in favor of the proposal. She believes by adding more services on the west end traffic congestion will be alleviated since residents will not have to travel downtown for services. She believes this is a good idea. Brad Hart spoke neither in favor nor opposition of the development. He had questions regarding the alignment of Monad Road. Staff clarified the alignment of Monad Road was determined with the originally approved Planned Development. Mr. Hart added he believes its critical for roads to be built.

The Zoning Commission closed the hearing and a motion was made by Commissioner Mariska to recommend conditional approval and adoption of the 3 criteria for Special Review 963. The motion was seconded and the Commission voted 3 in favor and none opposed to the motion.

CONSISTENCY WITH ADOPTED POLICIES OR PLANS

The Consistency with Adopted Plans and Policies is discussed in the Alternatives Analyzed section above.

RECOMMENDATION

The Zoning Commission recommends conditional approval and adoption of the findings of the 3 criteria for Special Review 963 on a 3 to 0 vote with the following conditions:

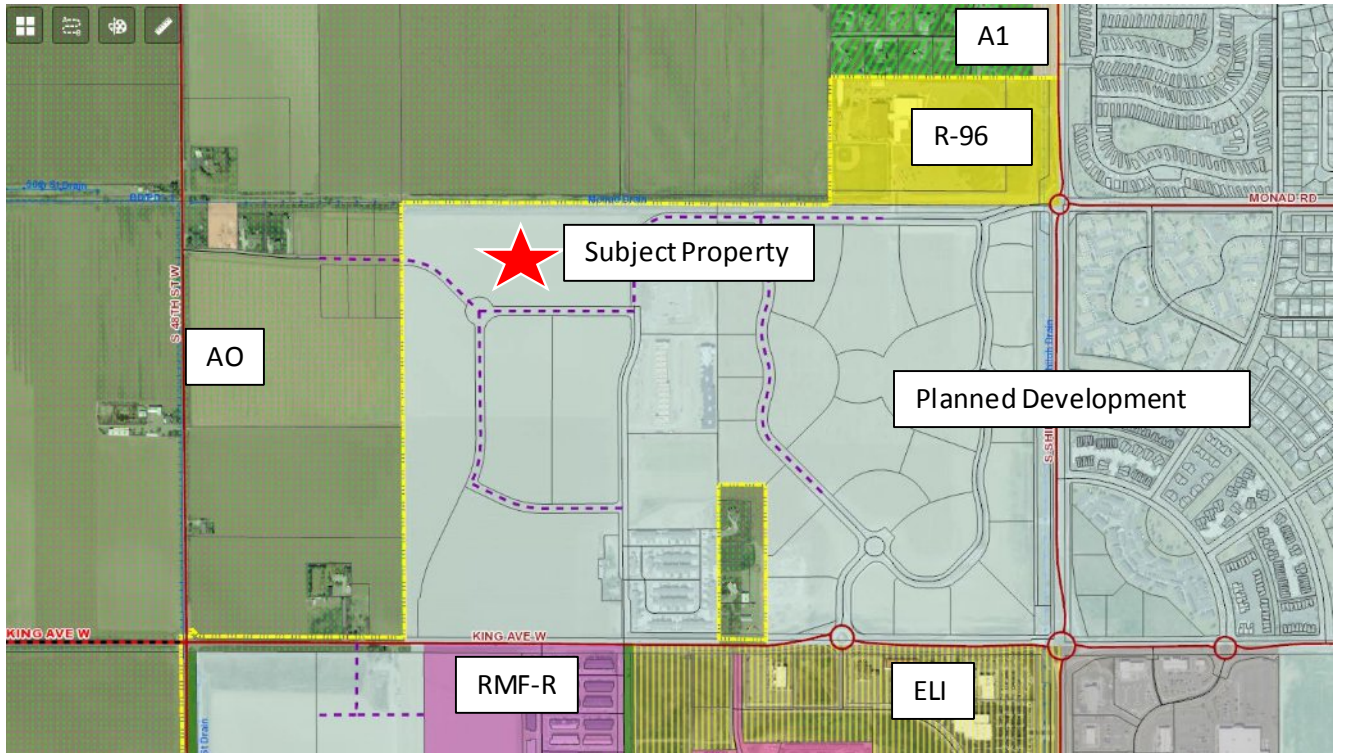
1. The special review approval is limited to Parcel 2-A of COS 2063.
2. The special review is for the construction of two apartment buildings and five, 5-plexes with associated open space and parking for the building residents. No other use is intended or implied.
3. The developer will meet the minimum required landscaping and parking requirements as outlined in the Planned Development Agreement.
4. The proposed development shall comply with all other limitations of Section 27-613 of the Unified Zoning Regulations concerning special review uses, and all other City of Billings, regulations and ordinances that apply.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, sign permit or fence permit. Compliance with all applicable local codes will be reviewed at the building permit level. This application is for a Special Review as noted above and no other request is being considered with this application. The Planning Division points out that the use and development of the property must be in accordance with the submitted site plan.

APPROVED BY CITY ADMINISTRATOR

Attachments

Zoning Map and Site Photos
Applicant Letter
Application Narrative
Site Plan
Lenhardt Square PD Master Plan



Zoning Map



Looking North from Georgina



Looking East from Georgina



Looking East from Georgina



South



South



East towards intersection of Georgina and South 44th Street West

**Lenhardt Square Master Association
Design Review**



5 March 2018

Nicole Cromwell, Zoning Coordinator
City of Billings Planning Division
2825 3rd Avenue North, 4th Floor
Billings, Montana 59101

Dear Ms. Cromwell,

The applicant has requested a special review for Tract 2A regarding density and number of units per building in a proposed planned development project within Lenhardt Square.

This Special Review is being sought to allow the construction of two apartment buildings consisting of eighty-six units each, as well as five townhome clusters of five units each. The Planned Development Agreement (PDA) for Lenhardt Square indicates in Article IV.G that "Residential multi-family housing consisting of more than four (4) Dwelling Units" are a use allowed by Special Review in Tract 2A. These buildings are to be located along Monad Road and Georgina Drive; the remaining buildings are four units or less and are in compliance with the parcel's MF-4 designation.

The proposed plan contains 237 total units; according to Exhibit B of the PDA, the maximum average density in Tract 2A (zoned MF-4) is 10 dwelling units/acre. While the proposed density of 13.73 units/acre is greater than allowed per Exhibit B, the residential density of the overall Lenhardt Square development will remain within the density originally allowed per the PDA.

Per the applicant's proposed plan and documentation, the request is approved. We understand the proposed project will support and complement the existing and planned Lenhardt Square development, helping us achieve the vision of the Founders and the City of Billings.

Please keep in mind this consent by the Reviewer does not convey blanket approval for all other requirements for the development; all Lenhardt Square design standards and procedures must be adhered to and submitted by the applicant in the required drawing formats for review and approval.

Please let me know if you have any questions or need additional information.

Lenhardt Square Master Association Design Review

Daniel McElmurray
821 Baronne Street
New Orleans, Louisiana 70113
504.644.8294
danny@mcelmurray.co

Lenhardt Square Tract 2A – Special Review Application Narrative

Special Review Question D. Written statement addressing what is intended to be done with the property.

Tract 2A is part of Lenhardt Square, a mixed-use Planned Development. Tract 2A which was planned as a lot conforming to buildings limited to four units each is proposed to be developed as a mixed residential lot consisting of townhomes, apartments over garages, and apartment buildings in general accordance with the attached concept plan. This development will support and complement the existing and planned Lenhardt Square development helping it to achieve the vision of the Founders and the City of Billings. See the attached Parcel 2A – Townhome & Apartment Concept.

The Planned Development Agreement (PDA) for Lenhardt Square indicates in Article IV.G that “Residential multi-family housing consisting of more than four (4) Dwelling Units” are a use allowed by Special Review in Tract 2A. A Special Review is being sought to allow the construction of two apartment buildings consisting of eighty-six units each, as well as five townhome clusters of five units each. These buildings are to be located along Monad Road and Georgina Drive. The remaining buildings are four units or less and are in compliance with the parcels MF-4 designation. The proposed plan contains 237 total units. See table below.

DEVELOPMENT SUMMARY			
Apartments		Apartment Parking	
Units in apt bldgs	172	Garage Spaces under Apt	40
Units above garages	4	Stand-alone garage spaces	132
Total Apartments	176	Surface spaces	102
		Total Apartment Spaces	274: 1.55 spaces per unit
Townhomes	61	Townhome Parking in Garages	122
Total	237	Total	396*

*This parking calculation is in conformance with the parking requirements for Lenhardt Square for the proposed uses under this Special Review.

Although not a specific consideration item for this Special Review, it is important to note that the proposed density of Tract 2A is calculated per Article V.B.6, “...the total number of residential Dwelling Units in the subject Tract of the development shall be divided by the gross acres of the Tract excluding any open space / pathways...” For Tract 2A, that calculation is shown below.

Tract 2A Total Ac	19.13
Tract 2A Open Space / Pathways Ac	1.87
Total Ac for Density Calculation	17.26
Total Units	237
Units Dived by Acres	13.73 Units Per Acre



**To Plan and Design
Enduring Communities...**

According to Exhibit B of the PDA the Maximum Average Density in Tract 2A (zoned MF-4) is 10 Dwelling Units/Acre). While the proposed density is greater than allowed per Exhibit B, the residential density of the overall Lenhardt Square development will remain within the density originally allowed per the PDA, thus allowing the change to be approved by the zoning coordinator per Article IX.A of the PDA.

Special Review Question A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy

The proposed Special Review is consistent with the goals and policies of the adopted Growth Policy by

- Supporting the Goal of Essential Investments by facilitating investment in the West End, where it is within the City limits
- Supporting the Goal of Community Fabric by providing small neighborhood parks where residents can enjoy access to outdoor activities and enjoyment of urban greenspace
- Supporting the Goal of Strong Neighborhoods by creating neighborhood green space that is safe and accessible for people to walk to, providing residential where it is accessible to everyday conveniences, expanding housing choices, creating a network of sidewalks, and providing attractive and safe neighborhood streets with on-street parking.
- Supporting the Goal of Home Base by increasing housing choice in the community for those residents who do not desire a single-family home
- Supporting the Goal of Mobility and Access by placing residents where they are close and accessible to the commercial and essential services at King Ave and Shiloh Rd, and those services are accessible through a variety of means.
- Supporting the Goal of Prosperity by providing housing for an increasingly diverse population that allows them to enjoy a high quality of life and social and economic advancement.

In addition to the overall Growth Policy, the Lenhardt Square PDA contains in Article IV.H a set of Factors to be Considered when reviewing a Special Review application. Those Factors are addressed below.

Factor 1. The proposed use is consistent with the terms, intent, and objectives of this Agreement

The proposed Special Review will allow for the construction of apartment buildings that will further the policy goals of the “West Billings Plan” that are highlighted in the Recitals section of the PDA.

- Recognition that it is not desirable for West Billings to develop with a low density, rural character (p. 14)
The apartments proposed will create urban scale development

- More compact development patterns are desirable because they make full use of urban services, offer cost effective infrastructure, and hold down costs to the taxpayer (p.15)
The apartments represent a more compact development form
- Concentrate multi-family, office, and non-retail uses between commercial nodes along arterial streets (p. 17)
Commercial nodes are being developed in close proximity to this site along King Ave and Shiloh/40th Street. While multi-family, office, and non-retail are being focused in the 44th Street West to 46th Street West area of Lenhardt Square.
- Provide opportunities for a mix of housing types and mixed-use development by encouraging planned unit developments.
The apartments will increase the diversity of housing types in the West Billings Area
- Increase residential densities and promote medium and high-density residential development within walking distance to commercial centers, medical facilities, and recreational amenities (pp 21-23)
Tract 2A is approximately a half mile, and therefore well within walking distance, from the commercial and medical centers at the corner of King Ave West and Shiloh Road.

Additionally, Whereas Clause 4 of the PDA notes the importance of providing convenient living options near commercial districts, which this SR will promote.

Whereas Clause 7 of the PDA notes that single family housing is becoming increasingly cost prohibitive. This SR will provide additional housing options for working families, young professionals, and retirees.

The following Specific Goals for Tract Development from the PDA will also be particularly achieved through this Special Review:

1. To provide for an appealing architectural arrangement of buildings and spaces through the use of a wide variety of living opportunities, architectural sizing, and residential services.
2. To provide for well-configured squares, plazas, walkways, bikeways, greens / commons, landscaped streets and parks that are woven into the pattern of the entire development and dedicated to collective social activity, recreation, and visual enjoyment.

The Special Review is consistent with the Overall Community Goals included in the PDA, particularly the following:

1. Creating a planned development zone that permits single family, small and large scale multi-family, and residential-commercial mixed-use development uses in proximity to one another, while protecting and respecting the character and quality of adjacent uses.

2. Increasing urban densities to utilize land use efficiencies and economies to slow suburban sprawl.
3. Encouraging flexibility in design and use of mixed-use and residential zones to allow for economy, convenience, variety, and amenity.
4. Reducing traffic congestion and degradation of the existing air quality

Factor 2. The proposed use is compatible with surrounding uses

The proposed apartments are located across Georgina Drive from existing apartment buildings of the same scale. The transition between the proposed apartments and the proposed townhomes is accomplished by placing garages between the uses. And the townhomes transition to the more suburban types of development to the north.

Factor 3. The proposed use is not detrimental to other property in Lenhardt Square

The proposed use will not cause a detriment to other property in Lenhardt Square, whether it is currently developed or not.

Factor 4. The proposed use complies with other provisions of law and ordinances of the City of Billings

The proposed use will comply with all applicable laws and ordinances of the City of Billings.

Factor 5. Reviewer has given his written consent to the special use

The Reviewer's written consent is attached to this application.

Factor 6. The proposed use will not attract large volumes of vehicular traffic or create traffic congestion that cannot be properly managed and regulated with traffic control equipment.

While the apartments proposed in the Special Review will generate more traffic than townhomes, the road infrastructure in the area is sufficient to support the increased density.

Factor 7. The proposed use is of similar architectural scale to existing development in the neighborhood

The proposed apartments are located directly across Georgina Dr. from apartments of the same size and scale.

Factor 8. Minimum visual and functional conflict will be created between the proposed use and nearby uses

Nearby uses are of the same general type as proposed by this Special Review, therefore visual and functional conflict will be minimal.

Factor 9. Anticipated noise and congestion created by the proposed use will be comparable to the levels created by other uses permitted on that unit.

Nearby uses are of the same general type as proposed by this Special Review, therefore noise and congestion levels will be comparable with those created by other permitted uses.

Special Review Question B. Why is there a need for the intended use of the property at this location?

There is a need for the intended use of this property at this location because the Billings community benefits from having a diverse housing stock that provides options for people based on their needs, preferences and budgets. The construction of the apartments proposed in this Special Review would increase the housing stock diversity in Billings. This site is a good location for apartments because of its location within an area, either containing or planned to contain, a mix of housing types, near to the arterial street network, and near to commercial and medical amenities.

Special Review Question C. How will the public interest be served if the application is approved?

If the application is approved the public interest will be served by the placing of a mixture of multi-family and townhome dwelling units, types needed in the Billings Community, in a location that is appropriate for that use and places the future residents where they will easily be able to access needed jobs and services.



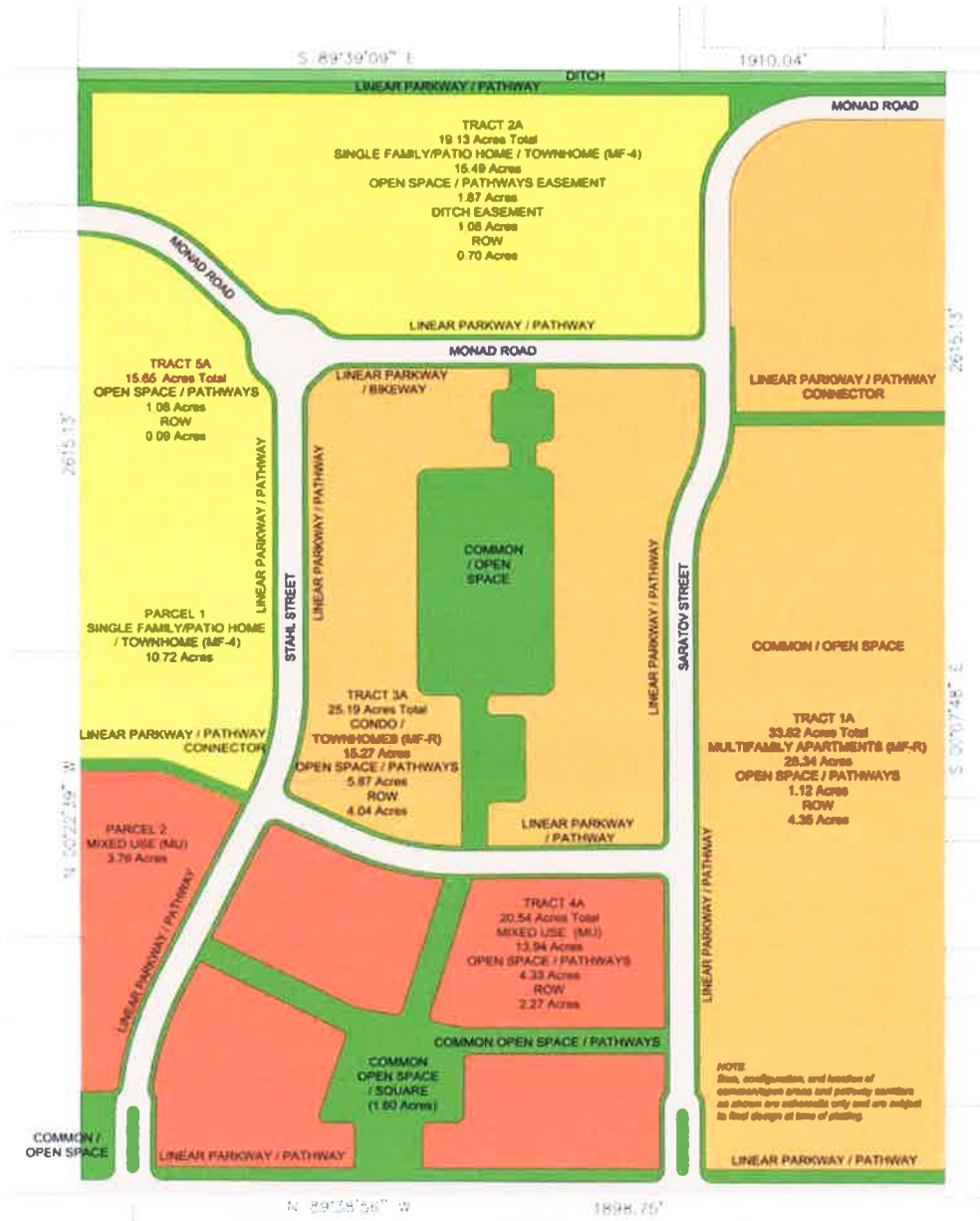
Development Summary

172 units in two three-story buildings
 4 units (above garages)
176 Apartment Units TOTAL

40 Garage spaces inside apt. bldg.
 132 Garage spaces stand alone
 102 Surface spaces
274 Parking space total 1:1.55 ratio

61 Townhome Units
 122 Garage spaces

237 TOTAL UNITS



LENHARDT SQUARE

CONCEPTUAL MASTER PLAN

Billings, Yellowstone County, Montana

January 22, 2009



Land Planning / Landscape Architecture / Design
1611 E. Rainbow Blvd., Suite 202
Lincoln, Nebraska 68502
P: 781.997.1944
F: 781.997.1944
www.vbm.com



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